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House of Representatives

The House met at 12:30 p.m. and was called to order by the Speaker pro tempore (Mr. ADERHOLT).

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
October 28, 2003.

I hereby appoint the Honorable ROBERT B. ADERHOLT to act as Speaker pro tempore on this day.

J. DENNIS HASTERT,
Speaker of the House of Representatives.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Monahan, one of its clerks, announced that the Senate has passed with an amendment in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 2989. An act making appropriations for the Departments of Transportation and Treasury, and independent agencies for the fiscal year ending September 30, 2004, and for other purposes.

The message also announced that the Senate insists upon its amendment to the bill (H.R. 2989) ''An Act making appropriations for the Departments of Transportation and Treasury, and independent agencies for the fiscal year ending September 30, 2004, and for other purposes,'' requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. SHELBY, Mr. SPECTER, Mr. BOND, Mr. BENNETT, Mr. CAMPBELL, Mrs. HUTCHISON, Mr. DEWINE, Mr. BROWNBACK, Mr. STEVENS, Mrs. MURRAY, Mr. BYRD, Ms. MIKULSKI, Mr. REID, Mr. KOHL, Mr. DURBIN, Mr. DORGAN, and Mr. INOUYE to be the conferees on the part of the Senate.

The message also announced that the Senate has passed bills of the following titles in which the concurrence of the House is requested:

S. 1146. An act to implement the recommendations of the Garrison Unit Joint Tribal Advisory Committee by providing authorization for the construction of a rural health care facility on the Fort Berthold Indian Reservation, North Dakota.

S. 1194. An act to foster local collaborations which will ensure that resources are effectively and efficiently used within the criminal and juvenile justice systems.

S. 1768. An act to extend the national flood insurance program.

MORNING HOUR DEBATES

The SPEAKER pro tempore. Pursuant to the order of the House of January 7, 2003, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning hour debates. The Chair will alternate recognition between the parties, with each party limited to not to exceed 30 minutes, and each Member, except the majority leader, the minority leader, or the minority whip, limited to not to exceed 5 minutes.

The Chair recognizes the gentleman from Texas (Mr. DELAY).

ECONOMY ON THE MOVE

Mr. DELAY. Mr. Speaker, the American economy in the third quarter of this year gave more indications than ever that we have finally pulled ourselves out of the so-called ''bin Laden slump.''

And thanks to the hard work, resiliency, and ingenuity of the American people, the economy is growing at higher than expected rates, creating jobs, and spurring new investment.

The stock market is up. Jobless claims are down, and companies' earnings are roaring past projections, meaning that Americans saving for retirement are strengthening their retirement security.

But perhaps the leading economic indicator in the United States today is the Democrat Party's desperate attempt to change the subject. Democrats' recent silence about the economy is understandable, for the rebound has not only taken away one of their principal political messages, it has also demonstrated the wisdom of President Bush's economic agenda, which we have passed over the last 3 years.

But just as the economy has responded positively to President Bush's proposals to lower taxes, encourage investment, and instill fiscal discipline, it would react negatively to those policies if they were reversed.

The budget-busting spending programs and crippling tax-hike proposals now in favor among the minority would spell disaster for the recovery. They would cost us jobs and stifle innovation, investment, and growth. The lost revenues would put a drain on the national treasury as we move forward to win the war on terror, maintain fiscal accountability, and meet the emerging needs of American seniors.

Only through the kind of growth that our job-creation tax relief measures have spurred will we be able to afford all these priorities.

There is much more to be done. But the most important item on the economic agenda is to check Democrat tax-and-spend plans to hamstring the recovery. Now that the economy is moving again, we have got to build on that momentum with a job-creating energy bill, fiscally responsible spending bills, and further success in the war on terror.

We have made our Nation safer and stronger since 9–11, and thanks to the leadership of President Bush, that security has brought us renewed prosperity. And one does not need to take my word for it, Mr. Speaker. Just listen to the sounds of the Democrat silence.

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IN SUPPORT OF FLOOD INSURANCE REFORM

The SPEAKER pro tempore. Pursuant to the order of the House of January 7, 2003, the gentleman from Oregon (Mr. BLUMENAUER) is recognized during morning hour debates for 5 minutes.

Mr. BLUMENAUER. Mr. Speaker, as we have watched the terrible news coming from Southern California, our hearts go out to the thousands of families that have been displaced. Lives have been disrupted, and in some cases people have died. It is much too early to make judgments about what we could do to reduce that suffering and loss. We do not fully know really what happened there yet and why.

But it is important for us to reflect on other areas where we can act to help make our families safer. In our history the greatest loss from natural disaster has been from flooding, and here we can do something about it.

Floods are our most destructive natural hazard. Since the 1990's, flood losses have doubled to over $6 billion a year, and hundreds of lives have been lost. This House, before we adjourn for the year, has the opportunity to reauthorize the Flood Insurance Program to help make a difference.

This program was created in 1968 to help people who are in flood-prone areas, authored by some people who knew about floods for example, the late Hale Boggs from Louisiana. Prior to that time, insurance companies generally did not offer insurance to people in these high-risk areas because of the uncertainty that has been involved. Since we authorized the National Flood Insurance Program, it has, in fact, been quite successful. By the year 2000, there have been $10 billion paid out in claims to some almost 4½ million policy holders. Even more important, it has provided incentives to do something about the problem for people who are in harm's way. We have provided mapping, incentives, things that send the right signals to people to protect themselves in the first place.

I have seen it make a difference in my hometown of Portland, Oregon. We were encouraged, because of the Flood Insurance Program, to do some flood proofing of the community from the beginning; and, in fact, we were able, in the year 2001, to be classified at a class 6. We had the seventh highest classification rating in the country. It resulted in a 20 percent reduction in the flood insurance rate. But more important, it enabled our community to be more flood resistent, and we have survived of late some serious flooding, which in times past would have done much damage and perhaps loss of life, relatively unscathed.

Now with the reauthorization of the Flood Insurance Program, we have an opportunity to help another class of people, those who are involved with repetitive flood loss in areas where year after year after year people are flooded out. Repetitive flood loss properties are less than 1 percent of the cases nationally, but account for 25 percent of the losses each year. And this repetitive flood loss costs everybody because it increases the likelihood of natural disaster, more losses, and putting more people in harm's way while boosting the flood insurance rates for everybody else.

Our bill that is coming forward would help everybody before rather than after the fact. It would, where cost-effective for the insurance program, provide funding to communities to make an offer of flood mitigation, to elevate the home, to flood-proof it. In cases where that is not feasible, to help people relocate, giving them money to move someplace else, at a very favorable match ratio, 75 percent of the money picked up by the Federal Government. In those States where there is even more flood loss, it would be an even more favorable ratio, 90 percent Federal money.

If people felt that they, for whatever reason, did not want to flood-proof their property or they did not want to relocate, they are under no obligation to do so. They would simply pay the full cost of their Flood Insurance Program.

Mr. Speaker, this is a simple, solid, common sense approach. It is a refinement in the Flood Insurance Program to help make it financially sound and eliminate up to $700 million of cost shift or shortfall. If we can avoid just one 10 percent rate increase, it would save the average policy holder, all 4½ million of them, $40 a year, every year, a total of $160 million a year in perpetuity. Most important, it would be a change for people's lives, helping them move out of harm's way so we do not have these tragic reports in the news.

I strongly urge my colleagues to support the flood insurance reform as it comes forward this next month.

SPENDING IS THE REASON FOR DEFICITS

The SPEAKER pro tempore. Pursuant to the order of the House of January 7, 2003, the gentleman from Florida (Mr. STEARNS) is recognized during morning hour debates for 5 minutes.

Mr. STEARNS. Mr. Speaker, I wanted to bring to my colleagues' attention a recent Washington Post article regarding deficits. What I found refreshing in this article is that it highlights the true reason behind deficits, that is, excessive Federal Government spending.

I realize there have been some difficult choices since September 11, 2001. As we fight the war on terrorism in Iraq, Afghanistan, and other areas that harbor terrorists, we obviously have to increase spending on defense, and I do not think many people would disagree with that, that it is necessary.

However, as any individual or business leader will tell us, when one has to increase spending in one area, they normally hold or decrease spending in another area. That, the Federal Government should realize, is basic Economics 101.

The biggest misconception about deficits is that by themselves they threaten the economy's long-term vitality. Not necessarily true. The real threat is rising government spending. The reason is simple. Government spending must be paid for by either taxes or borrowing, a deficit. If spending rises too high, economic growth may suffer from either steeper taxes or heftier deficits. Spending, Mr. Speaker, is the real culprit.

Robert Samuelson, in his article, notes ''since 1961, the Federal Government has run deficits in all but 5 years. Over that same period, the Gross Domestic Product has expanded by almost a factor of four.''

So we see that the real problem is excessive spending. The Federal Government does not have its own money to freely spend. It either taxes or borrows the money needed to fund its myriad of programs, many of which have long outlived their usefulness, if they had any to begin with.

Yet we continue to spend. In fact, over the past 5 years, the government has increased spending by $586 billion. Spending is now just over 20 percent of the Gross Domestic Product. In fact, it is spending, combined with the 2001 recession, that reduced over three-quarters of the previous budget surplus.

Unfortunately, we are going to see additional pressure to increase spending in the future. Baby boomers will be retiring. We are adding a new prescription drug benefit to Medicare, and we will need to continue funding the war on terrorism. And that is precisely why we need to control Federal spending here in Congress.

Samuelson notes that these future spending pressures will result in three choices: raise taxes; borrow funds, deficit spending; or cut benefits to certain programs. Obviously, all of these choices are difficult.

There is another way, Mr. Speaker, and that is to hold down Federal spending and attack waste, fraud, and abuse in this spending. We must also have a Balanced Budget Amendment. It is much easier to hold spending to a minimum if the law obligates us to do so. Clearly, we as a body have not shown sufficient restraint in holding or reducing spending in meaningful ways.

The second measure is to realistically attack waste, fraud, and abuse here in government. The Heritage Foundation notes: ''If congressional waste cutters had reduced mandatory spending by just 1 percent in 1980, taxpayers would have saved $190 billion through 2003, more than $2,000 per household.''

The 2004 Budget Resolution called for a 1 percent cut in programs to be identified by targeting waste, fraud, and abuse. That is an important step both for this year and for future years. However, we should not stop just at 1 percent. The Medicare program alone could be spared up to $150 billion over

10 years if we effectively could target waste, fraud, and abuse.

Mr. Speaker, our constituents are expecting fiscal restraint. They understand that concept much better, it seems, than even the Federal Government. They understand it from both a business and an individual family standpoint. The recession forced Americans to curb their spending at home. Businesses curbed their spending to hold down costs. They understood that ever over-spending would result in severe problems in the future.

Short-term deficits will not harm our economy. In fact, our economy is improving. However, if we continue to follow an alarming increase in Federal spending, the government will be faced with much more difficult choices in the future and with much more dire consequences.

We must, Mr. Speaker, maintain fiscal discipline and hold down this Federal spending.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until 2 p.m. today.

Accordingly (at 12 o'clock and 46 minutes p.m.), the House stood in recess until 2 p.m.

□ 1400

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. STEARNS) at 2 p.m.

PRAYER

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:

Over the weekend, Jews of this country again kept holy the Sabbath, Christians celebrated their discipleship in Jesus, and Muslims began the great fast and spiritual renewal of Ramadan.

Lord God, we rejoice in oneness of Abrahamic faith as it finds living expression in our time across this country. In our pluralistic society, help us, Lord, to respect one another and come to a deeper understanding of each other.

By your living Spirit, You can awaken in all our hearts new insights born of our religious traditions that will enlighten the issues of life and justice which confound us.

Enable us to walk by faith into the future. Guide our President and the Members of Congress, that in them faith, loving compassion, and the commitment to justice will bring light and hope to an uncertain world. We rely on You, O Lord, now and forever. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from South Carolina (Mr. WILSON) come forward and lead the House in the Pledge of Allegiance.

Mr. WILSON of South Carolina led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

WELCOMING THE ROMANIAN PRESIDENT TO AMERICA

(Mr. WILSON of South Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILSON of South Carolina. Mr. Speaker, I rise today to welcome Romanian President Ion Iliescu to Washington, and I look forward to personally meeting him tonight. He is meeting with President Bush, Secretary of State Colin Powell, and other American officials during his trip.

President Iliescu's Romania has become one of America's greatest allies on the war on terrorism, standing side by side with the United States in Afghanistan and now in Iraq. In what is a truly multinational effort, at least 600 Romanian troops are in Iraq working with American forces and military from at least 27 other nations.

The Romanian people have a clear understanding of what is at risk in the war on terrorism, as they have a fresh perspective on freedom and liberty. They also know the importance of redevelopment in Iraq, as they have rebuilt their own country over top of the rubble of the former dictator Ceausescu's regime, emerging from communist totalitarianism into new candidacy for NATO membership.

I join all my colleagues in welcoming a true friend, Romanian President Ion Iliescu, to America.

In conclusion, God bless our troops.

HOUSE LEADERSHIP BLOCKING ARMED FORCES TAX FAIRNESS ACT

(Mr. EDWARDS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. EDWARDS. Mr. Speaker, it is shameful that the House Republican leadership has passed a $230,000 tax break this year for people making over $1 million in dividend income, but that same leadership has bottled up for 7 months the Armed Forces Tax Fairness Act.

The House and Senate passed this bill unanimously in March. It seems the House Republican leadership objects to the fact that the Senate paid for the bill by closing the egregious tax loophole that lets Benedict Arnolds renounce their American citizenship in order to avoid paying American taxes.

It is outrageous that the Speaker of the House, the gentleman from Illinois (Mr. HASTERT), and the majority leader, the gentleman from Texas (Mr. DELAY), seem to be more interested in protecting the Benedict Arnolds who turn their backs on America than helping patriotic Americans who are fighting for our country in time of war.

It is insulting that the House leadership says today that we have time to rename three post offices in bills today, but they do not have time to schedule a final vote on the Armed Forces Tax Fairness Act. I believe military families and veterans all across America will be deeply offended if Congress finishes its work this year without passing the Armed Forces Tax Fairness Act.

FAILURE IS NOT AN OPTION

(Ms. HARRIS asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. HARRIS. Mr. Speaker, this House continues to conduct an essential debate over our Nation's policy in Iraq. Nevertheless, meeting the Iraqi people and hearing their story firsthand invoked an old adage with respect to those who offer armchair criticism: talk is cheap.

In the aftermath of the first Gulf War 12 years ago, we encouraged the Iraqi people to rise up against their brutal dictator. Then we left them to Saddam's murderous designs. While this decision may have made sense in terms of U.N. resolutions and international opinion, it amounted to a betrayal of the Iraqi people.

The blood, sacrifice, and heroism of our troops over the last 7 months have once again forged a bond of trust. In the faces of the Iraqis with whom I met, I witnessed a new hope that has not only demonstrated the success of our plan; it testified to the justice of our cause.

Mr. Speaker, regardless of one's opinion about the rationale for this war, one truth remains: to turn back now, to betray the Iraqi people once again will only embolden the terrorists. Let us not debate whether we will produce a free prosperous and peaceful Iraq. Failure is not an option.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 6 of rule XX.

Record votes on postponed questions will be taken after 6:30 p.m. today.

REAUTHORIZING CERTAIN SCHOOL LUNCH AND CHILD NUTRITION PROGRAMS FOR FISCAL YEAR 2004

Mr. CASTLE. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3232) to reauthorize certain school lunch and child nutrition programs for fiscal year 2004, as amended.

The Clerk read as follows:

H.R. 3232

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. REAUTHORIZATION.

(a) EXCLUSION OF CERTAIN MILITARY HOUSING ALLOWANCES.—Section 9(b)(7) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1758(b)(7)) is amended by inserting ''and through March 31, 2004'' after ''and 2003''.

(b) CHILD AND ADULT CARE FOOD PROGRAM.—Section 17(a)(2)(B)(i) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1766(a)(2)(B)(i)) is amended by striking ''September 30, 2003'' and inserting ''March 31, 2004''.

(c) REIMBURSEMENT TO STATES UNDER COMMODITY DISTRIBUTION PROGRAMS.—Section 15(e) of the Commodity Distribution Reform Act and WIC Amendments of 1987 (7 U.S.C. 612c note; Public Law 100–237) is amended by striking ''October 1, 2003'' and inserting ''April 1, 2004''.

(d) FUNDING MAINTENANCE OF COMMODITY DISTRIBUTION PROGRAMS.—Section 14(a) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1762a(a)) is amended by striking ''September 30, 2003'' and inserting ''March 31, 2004''.

(e) SUMMER FOOD SERVICE PROGRAM FOR CHILDREN.—

(1) Section 13(q) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1761(q)) is amended by striking ''the fiscal year beginning'' and all that follows through ''October 1, 2003'' and inserting ''the period beginning October 1, 1977, and ending March 31, 2004''.

(2) Section 18(f)(2) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1769(f)(2)) is amended by striking ''of fiscal years 2001 through 2003'' and inserting ''beginning October 1, 2000, and ending March 31, 2004''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Delaware (Mr. CASTLE) and the gentlewoman from California (Ms. WOOLSEY) each will control 20 minutes.

The Chair recognizes the gentleman from Delaware (Mr. CASTLE).

GENERAL LEAVE

Mr. CASTLE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on H.R. 3232.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Delaware?

There was no objection.

Mr. CASTLE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise to support bipartisan legislation that extends certain child nutrition provisions through March 31 of 2004. This extension is vital to ensure that low-income children have access to safe and nutritious food in school, after school, and during the summer months.

Members of the Committee on Education and the Workforce in the House and of the Committee on Agriculture in the Senate are busy preparing legislation to reauthorize and improve all the child nutrition programs included in the Child Nutrition and the Richard B. Russell National School Lunch acts. Included in these acts are: the National School Lunch and Breakfast Programs, WIC, and the Child and Adult Care Food, After School Snack, and Summer Food Service Programs. These programs are a critical part of our Nation's effort to ensure that needy children in America do not go hungry.

I have been pleased with the progress made in preparing a reauthorization bill for introduction. Despite our progress, however, committee members do not want to draft such important legislation in haste and so need additional time to ensure that any changes to the current law best serve the interests of the children whom these programs are intended to reach. The extensions included in this legislation can assure us that millions of needy children will not lose access to meals and snacks that are needed for their healthy growth and development and academic success in school.

Millions of children, including many whose mothers and fathers serve in America's armed services, rely on these programs each day. Without this legislation, many children who reside with their parents in privatized military housing would lose the benefit of free or reduced-price school meals. In Delaware, approximately 250 children will benefit from this extension, and up to 100,000 children nationwide. Taking these subsidies from children when many of their mothers and fathers are fighting for our Nation's security at home and abroad would have a devastating effect on these families.

This legislation also would continue the availability of healthy meals and snacks to low-income children enrolled in for-profit child care centers. Additionally, this legislation would allow schools, churches, and community organizations to operate Summer Food Service Program sites and in 14 States to continue special pilot programs that reduce paperwork and thereby increase the number of disadvantaged children who receive free meals and snacks during the summer months.

Mr. Speaker, these are just a few reasons why H.R. 3232 should be approved today with unanimous support. The child nutrition provisions that would be extended through this legislation benefit America's most vulnerable children. It is our duty as lawmakers to ensure that these at-risk children and their families can continue to receive the benefits for which they have been deemed eligible until the Congress can complete its work on legislation reauthorizing both the Child Nutrition Act and the Richard B. Russell National School Lunch Act.

I conclude by asking my fellow colleagues to please join me in support of H.R. 3232.

Mr. Speaker, I reserve the balance of my time.

Ms. WOOLSEY. Mr. Speaker, I yield myself such time as I may consume.

I am pleased to join the chairman, the gentleman from Delaware (Mr. CASTLE), in urging passage of H.R. 3232 to ensure that the authority for important child nutrition programs does not expire before the House leadership makes the time to debate these most important issues in the committee and on the floor.

I do hope, however, that when the time comes for the real reauthorization of child nutrition, we can work together in this same bipartisan way to make sure every eligible infant and child in this Nation has access to nutritious food: at home, through the WIC program; in child care, through the Child and Adult Food program; in school, through the School Breakfast and Lunch programs; during out-of-school time, through After-School and Summer programs; and in homeless and domestic violence shelters.

Even modest investments in the child nutrition programs will reduce hunger and improve children's health, their well-being, and their educational success.

Healthy children are the best investment we can make in this Nation's future. Unfortunately, too many children in America are hungry. The 2003 key national indicators of children's well-being reports that nearly 46 percent of American children who live in poverty were in food-insecure households, households that reported difficulty in obtaining enough food and increased use of emergency food sources resulting in reduced food intake and resulting in hunger.

At the same time, too many American children are at risk because they are obese. Childhood obesity rates in America have tripled over the past 20 years, resulting in children suffering from the early onset of such traditional adult diseases as hypertension, diabetes, and heart disease.

This week, the gentleman from California (Mr. GEORGE MILLER) and I, as well as other Democratic members of the Committee on Education and the Workforce, will be introducing a bill that increases access to the child nutrition programs and sets the stage for improving the nutritional quality of the foods available to children during the school day. Our bill establishes a Federal policy of ''do no harm'' to ensure that no eligible children are pushed off school food programs. It also eliminates the reduced-price category and increases direct certification so that more children are eligible for free school meals.

The Democratic childs nutrition bill also makes it easier for new moms and their babies to participate in the WIC program.

By calling on experts from the Institute of Medicine to develop nutrition standards for the foods sold in competition with school meals, the Democratic

child nutrition meal will make it easier for schools to offer students healthy foods everywhere on school grounds.

My colleagues on the other side of the aisle have other ideas on child nutrition reauthorization as well. The money is there to fund all of these ideas if the administration and the Congress want to do it. If we can afford to reconstruct Iraq, if we can afford tax cuts for the wealthiest Americans, and tax breaks to offshore corporations, we can afford to feed hungry American children and help them eat healthy food.

□ 1415

I look forward to working with the gentleman from Delaware (Mr. CASTLE) and all of my colleagues to expand and improve the child nutrition programs.

Mr. Speaker, I reserve the balance of my time.

Mr. CASTLE. Mr. Speaker, I have no further speakers, and I reserve the balance of my time.

Ms. WOOLSEY. Mr. Speaker, I yield 3 minutes to the gentleman from Illinois (Mr. DAVIS).

Mr. DAVIS of Illinois. Mr. Speaker, I thank the gentlewoman for yielding me this time.

Mr. Speaker, I rise in support of H.R. 3232 and in support of making nutritious food available to our Nation's poor and low-income children and not to leave any hungry child behind.

The National School Lunch Program is just one step in developing our children into the prosperous, successful individuals we want them to become. Poorly fed children have more difficulty learning, are less attentive in class and suffer more chronic problems, such as absenteeism and tardiness, than children who are properly nourished. According to the Food Research and Action Center, proper nutrition improves a child's behavior, school performance, and overall cognitive development. All in all, properly nourished children more actively participate in the education experience, which benefits them, their fellow students, and the entire school community.

Studies have shown what we already know, that healthy school meals play a critical and positive role in students' development and learning. According to the United States Department of Agriculture in 2000, 10.5 percent of all households, representing 20 million adults and 13 million children, were considered food insecure due to a lack of resources. In 2001, Illinois reported 9.2 percent of households to be food insecure, which represents 3,239,229 children under the age of 18.

By making nutritious meals available to all school children, the National School Lunch Program should ensure us that every child who needs a healthy meal can receive one. Unfortunately, the plan does not yet do that. In a State like Illinois and a city like Chicago, where there are large numbers of low-income people, poor children, we need to make sure that we revise every plan and have every opportunity to have nutritious meals for these individuals without undue burden of paperwork that sometimes would cause them to be left out. I support this legislation and hope that we are going to make it easier to receive the benefit.

Ms. WOOLSEY. Mr. Speaker, I yield 3 minutes to the gentlewoman from Georgia (Ms. MAJETTE).

Ms. MAJETTE. Mr. Speaker, I thank the gentlewoman for yielding me this time.

I rise today to stress the importance of child nutrition and to support the extension of these programs with the passage of H.R. 3232. These programs will be reauthorized today with little fanfare. Their significance, however, far exceeds the attention we will devote to them.

The first time Congress authorized a nutrition program for our children was during the Great Depression in 1935. At that time, millions of children came to school unable to pay for their school lunches. Malnutrition among children was a national concern. Despite our country's poor economic conditions, Congress realized that its first priority must be to feed our Nation's hungry children. Today, child nutrition programs have been expanded, and they represent the best of America because after all, a hungry child cannot learn.

I am pleased to note that these programs are very successful in feeding hungry children. In my home State of Georgia, more than 600,000 children are given financial support to purchase much-needed lunch meals. For many, it is the only meal they will have all day. There are more than 300,000 children who also participate in the subsidized School Breakfast Program in Georgia.

Since the National School Lunch Act was first enacted in 1946, attention to the nutritional value of these school lunches has steadily increased. We have learned that poor nutrition leads to impaired cognitive development and reduced school performance. That is why successful Head Start programs point to good nutrition as a necessary element to teach our neediest children. We cannot teach our children without first giving them the essential nutrition so vital to their ability to learn.

Despite the renewed focus on nutrition, we are in the midst of a public health crisis in terms of obesity. Nearly 30 percent of adults and 15 percent of children in our Nation are now categorized as obese. With obesity comes the increased risk of high blood pressure, diabetes, insomnia and other health-related difficulties; and the medical costs associated with this crisis are estimated to be as much as $100 billion per year. So it is clear that we need to act now to curb this crisis.

Although most Americans know eating more fruits and vegetables is a necessary part of maintaining good nutrition, just last week a new study found that more than 40 percent of toddlers in the Women, Infants, and Children, or the WIC, program did not eat any fruit at all on the day of the survey. In fact, the WIC program does not even provide access to fruits and vegetables.

But, Mr. Speaker, there is hope. Last week I visited East Lake Elementary School in Atlanta and asked the fifth grade class what they wanted to add to their school lunch menu. They requested kiwis, strawberries and plums. They did not ask for cake or cookies, so they understand the importance of eating a variety of fruits and vegetables.

As Congress reauthorizes these programs, we must not forget their importance, and we must not forget that they continue, and we continue, to feed our hungry children. At the same time, we must ensure that our child nutrition programs move forward with a new knowledge about what is best for the health of our children.

Through these programs, we will have the opportunity to teach our children the eating habits that will allow them to protect their own health throughout their lives, and we can teach them the fundamentals of good health, that an apple a day is not just for teachers any more.

Ms. WOOLSEY. Mr. Speaker, I yield 3 minutes to the gentleman from New Jersey (Mr. HOLT).

(Mr. HOLT asked and was given permission to revise and extend his remarks.)

Mr. HOLT. Mr. Speaker, I thank the gentlewoman for yielding me this time.

Mr. Speaker, today we are considering H.R. 3232, a bill to reauthorize certain school lunch and child nutrition programs. While I am glad to see that these programs will not expire, I am concerned about making progress toward a full 5-year reauthorization, and I know the gentleman from Delaware (Mr. CASTLE) intends to see that we have a good reauthorization, and I look forward to working with the gentleman and the rest of the committee in a bipartisan way.

I would like to take this opportunity to discuss what I see are some issues that must be addressed in any new reauthorization. Ensuring healthy children is a worthwhile investment in the future of millions of children and in the future of our country's economic well-being. And as has been discussed by the gentlewoman from Georgia (Ms. MAJETTE), the gentlewoman from California (Ms. WOOLSEY) and the gentleman from Illinois (Mr. DAVIS), there are children in America that go hungry during the school day and others who battle illness caused by poor nutrition.

The documentary evidence is clear, and we do not need to review it here; it coincides with common sense: School child nutrition programs help children learn. Meal programs offered in schools and child care settings and after school and summer programs and through WIC offer an ideal way to address child health issues directly, and to build healthful eating habits.

When we do get a 5-year reauthorization, we should require local education

authorities to establish a school nutrition policy, I would suggest by July of 2005, that, at a minimum, gives the school food director operational responsibility for foods sold on campus. We should request that the Institute of Medicine at the National Academy of Sciences recommend to the Secretary nutritional standards for school foods. The Food and Nutrition Service should be required to place a greater emphasis on fruits and vegetables in the commodities programs and school meals.

Mr. Speaker, we need to pass a reauthorization that expands the current fruit and vegetable pilot programs so they reach more students. We must authorize grants to nonprofits and local school districts for farm-to-cafeteria projects which include nutritional education activities, which incorporate the participation of school children in farm and agricultural education projects.

In addition, we must eliminate the reduced price category of meals to allow children and families up to 185 percent of poverty to receive a free meal. The children that are designated in this reduced-price category are really between a rock and a hard place when it comes to eating at school. These are children that are both hungry and in many cases embarrassed because their parents are often not able to send the money to school to pay for their meals. It would be better if this category were removed and all children eligible would be treated the same in the nutrition programs.

Mr. Speaker, as we reauthorize the Child Nutrition Act, I hope my concerns are addressed and we can ensure healthy meals for our children in school; and with that, I do support H.R. 3232.

Ms. WOOLSEY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, just as a final thought, children are about 25 percent of our population. They are 100 percent of the future of this Nation, and what they eat really will equate to what our future will be. We must make sure that we do the best job we can for every child in this country.

Mr. Speaker, I yield back the balance of my time.

Mr. CASTLE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I have listened intently to the speakers here today. We are all concerned about getting the reauthorization of these programs done correctly, and that is going to take some final work, but all of us, I am sure, are in total agreement of the significance and importance of the programs, and, hopefully, when all is said and done, in 6 months we will be able to do that. For now, it is essential that we pass H.R. 3232.

Mr. BOEHNER. Mr. Speaker, I rise in support for H.R. 3232, which would extend the authorization for the expiring portions of child nutrition legislation for an additional six months. This bill, which was introduced by my colleague Mr. CASTLE, is also cosponsored by the Ranking Member of the Committee, Mr. MILLER, and Ms. WOOLSEY, Ranking Member on the Education Reform Subcommittee. I thank all of them for their support.

The Child Nutrition programs include the National School Lunch and Breakfast Programs; the Special Supplemental Nutrition Program for Women, Infants, and Children (or WIC); the Child and Adult Care Food Program; the After School Snack Program; and the Summer Food Service Program.

These invaluable programs—which are responsible for providing nutritious meals to millions of children and adults every day—are due for reauthorization this year. In order to ensure that the Committee has the opportunity to consider the reauthorization process carefully, we are seeking to extend the current authorization an additional six months.

This bill contains one provision of particular importance to our nation's soldiers, sailors and airmen. If this legislation is not approved, the children of Armed Forces members who live in privatized military housing and who are eligible for free and reduced-price lunch will lose their school meal subsidies. This would be an insult to these parents who work every day to secure our nation's freedom.

In addition, this legislation contains a provision that allow for-profit child care centers to continue to participate in the Child and Adult Care Food Program, and to continue to provide meals and snacks to centers where at least 25 percent of the children enrolled meet the income eligibility requirements for free and reduced-price lunch.

Parents will always bear primary responsibility for their children's health and nutrition, but this bill provides assistance for those who are having trouble making ends meet. The overall goal of all of the child nutrition programs is to make sure that low-income children and families have access to low-cost meals and snacks that are safe and nutritious. The reauthorization process is a chance for us to look at the current system and see how well it is meeting those goals. We must take into account a number of actors, including efficiency, nutrition, cost-effectiveness, and protecting school revenue. We would like to take this additional six months to be sure that we address all of these issues to the best of our ability.

This bipartisan bill is a simple, straightforward tool to make sure that we are serving the millions of low-income children who depend upon the programs contained in the Child Nutrition and Richard B. Russell National School Lunch Acts. I hope you will join me and my colleagues in voting "yes" on H.R. 3232.

Mr. GREEN of Texas. Mr. Speaker, I rise today in support of H.R. 3232, legislation to reauthorize certain school lunch and child nutrition programs.

The federal child nutrition programs continue to be a great success story. The National School Lunch program, enacted in 1946 as a measure of national security, currently serves more than 28 million children each day.

The need for this program has never been greater. With childhood obesity growing at an alarming rate—especially among low income and minority populations—it has never been more critical that our children have access to high quality, nutritious food choices at school.

The legislation we are considering today is only a temporary reauthorization, since this program expires and we have not completed the heavy lifting necessary for a full five year authorization.

I urge my colleagues who are working on this issue to make a number of significant improvements to these various childhood tuition programs, including:

Increasing the income limit for those children who qualify for a free lunch from 130% of the federal poverty limit to 185% of the federal poverty limit, thereby eliminating the reduced price category of this program;

Providing the USDA commodities for the School Breakfast Program;

Lowering the area eligibility guideline to 40% for the Child Care, at-risk after school and Summer Foodservice programs; and

Increasing the USDA reimbursement rates for child nutrition, consistent with a USDA analysis of the costs to produce a lunch. In most areas of the country, the cost to produce a school lunch is now greater than the reimbursement rate for a free lunch of $2.14.

A child who is hungry cannot be expected to learn. A few years back, this Congress enacted legislation that promised no child will be left behind. If we are to keep that promise, we must ensure that all children have a healthy and nutritious lunch.

Mr. CASTLE. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. STEARNS). The question is on the motion offered by the gentleman from Delaware (Mr. CASTLE) that the House suspend the rules and pass the bill, H.R. 3232, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The title of the bill was amended so as to read: ''A bill to reauthorize certain school lunch and child nutrition programs through March 31, 2004.''.

A motion to reconsider was laid on the table.

RECOGNIZING INDEPENDENT 529 PLAN FOR LAUNCHING A PREPAID TUITION PLAN THAT WILL BENEFIT OUR NATION'S FAMILIES WHO WANT TO SEND THEIR CHILDREN TO PRIVATE COLLEGES AND UNIVERSITIES

Mr. MCKEON. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 378) recognizing Independent 529 Plan for launching a prepaid tuition plan that will benefit our Nation's families who want to send their children to private colleges and universities, as amended.

The Clerk read as follows:

H. RES. 378

Whereas postsecondary education is increasingly important to the economic well-being of the United States, and the demand for individuals with postsecondary education continues to grow;

Whereas according to the United States Census Bureau, in 2001 a person with a bachelor's degree earned nearly 90 percent more, on average, than a person with only a high school diploma;

Whereas tuition at independent colleges and universities continues to grow at alarming rates and families need options for financing the high cost of a child's postsecondary education;

Whereas tuition and fees for the academic year 2003–2004 at independent colleges and universities in the United States averaged over $18,000, and therefore postsecondary education is one of the most significant investments a family will make; and

Whereas prepaid tuition plans can make attendance at independent colleges and universities more affordable for thousands of our Nation's families by allowing them to lock in current tuition rates for future use: Now, therefore, be it

Resolved, That the House of Representatives recognizes the more than 200 independent colleges and universities that together have addressed the need to help families pay for the increasing cost of attending college by creating the first nationwide prepaid tuition plan.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. MCKEON) and the gentleman from New Jersey (Mr. HOLT) each will control 20 minutes.

The Chair recognizes the gentleman from California (Mr. MCKEON).

GENERAL LEAVE

Mr. MCKEON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H. Res. 378.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. MCKEON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am pleased to rise in support of H. Res. 378 which recognizes independent colleges and universities that participate in prepaid tuition planning.

□ 1430

I want to thank the gentlewoman from Texas (Ms. GRANGER) for sponsoring this resolution that highlights the benefits of prepaid college tuition plans and the independent colleges and universities that participate in such plans.

Mr. Speaker, everyone in this Chamber clearly understands the benefits of a postsecondary education and that it expands career opportunities and increases earnings potential. As the resolution states, in 2001 a person with a bachelor's degree earned almost 90 percent more than a person with only a high school diploma. This resolution recognizes those that make completion of a postsecondary education and its benefits a bit more attainable.

This Congress, the Subcommittee on 21st Century Competitiveness, which I chair, is focused on the reauthorization of the Higher Education Act. One of my primary concerns throughout the process is to ensure that the dream of a college education is available and indeed affordable to all those who strive for it. This is why I am pleased to support H. Res. 378, a measure that recognizes those colleges and universities that participate in programs that can help put college within reach.

H. Res. 378 draws attention to prepaid tuition plans, which allow families to prepare for the cost of a postsecondary education. These plans originated in 1996 and were expanded in 2001 to allow for independent education institutions to establish their own prepaid tuition plans. During this time, both public and private institutions have begun participating in these prepaid tuition plans. While the specifics of these plans vary, at the heart of the plans is the ability of families to pay for academic periods or course units at current prices for a child who will attend college in the future.

I hear so often from constituents that college costs are increasing tremendously and parents are concerned that they will not be able to afford a postsecondary education for their children. We must work together to prevent students and families from being priced out of the higher education market and being priced out of their dreams. I believe that prepaid tuition plans offer parents important options for dealing with the college cost crisis, and we must encourage efforts to make college affordable and attainable. I urge my colleagues to support this resolution that recognizes the schools that participate in these plans.

Mr. Speaker, I reserve the balance of my time.

Mr. HOLT. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H. Res. 378 and second many of the remarks of my colleague from California. Prepaid tuition plans that have been set up by States have not provided options for students seeking to go to private universities. These plans typically allow a contributing individual to receive a guarantee that their tuition will be paid when they attend a public university in their State. This resolution before us identifies a plan that now provides students seeking to attend a private university with a prepaid tuition option. Those involved in the development of this plan should be congratulated for pushing to make this a reality.

Unfortunately, many existing State prepaid tuition plans have not fared well in our present economy. While unemployment has risen, the Bush administration has forced the reduction of options students and families have to pay for college. Twenty States have set up prepaid tuition plans but nearly all of them are in trouble. Ohio, West Virginia, Kentucky, Texas and Colorado have all suspended their plans. States are shutting the doors on these plans because the failed Bush economy has driven up college costs and reduced their investment options to essentially nothing.

In discussing the issue of how students and families pay for college, we cannot ignore the point raised by the gentleman from California, referring to his proposal to institute Federal price controls on college tuition. It has some immediate appeal until you think about it. This proposal would bar universities who have seen their budgets cut due to the sour economy from receiving Federal aid, including work-study opportunities for needy students. In other words, we would cut funds to them until they shape up. Worse yet, Historically Black Colleges and Hispanic Serving Institutions would be barred from receiving institutional aid or other aid. This loss of aid would hamper the mission of those institutions and would remove the opportunities for postsecondary education for some of our neediest students.

This proposal would also have serious unintended consequences. Colleges that are forced to cap their tuition increases will simply decrease the amount of need-based grant aid. This will result in students experiencing perhaps lower tuition levels but higher out-of-pocket costs. In addition, as labor and health care costs increase, institutions will be forced to sacrifice quality. Clearly, that is not in the public interest. This will be done through the hiring of adjunct professors rather than maintaining, for example, seasoned tenured faculty. Is this the cost-control measure we want our universities to implement?

Rather than creating new problems to solve an existing one, Congress should be considering what is the appropriate response to rising tuition costs. We should provide incentives to colleges and universities to hold down costs. The current Federal system of higher education financing does not incentivize schools to hold down their level of tuition increases. The Higher Education Act should not punish students and institutions through heavy-handed Federal price controls. Price controls rarely work. Rather, institutions should hold down tuition costs while increasing need-based grant aid, and they should be rewarded.

In addition, States should be required to maintain their level of effort on higher education spending. In years in which Congress increases student aid, those increases should benefit students, not be gobbled up by the need to balance State budgets. The cost of higher education is a complicated one. It is an important one. It is in the national interest to make college affordable and available for all qualified students. This resolution before us today points to a good way to manage the rising costs of college tuition. However, the other proposal advanced by the gentleman from California would be the wrong way to go.

In closing, Mr. Speaker, I want to reiterate my support for the resolution we are presently considering.

Mr. Speaker, I reserve the balance of my time.

Mr. MCKEON. Mr. Speaker, I yield myself such time as I may consume.

We are here today to discuss H. Res. 378, but my good friend on the other side of the aisle has brought up some points of a bill that I introduced a week ago, and I would like to just correct a couple of things on the record. HBCs and HSIs are not addressed in the bill. Any funding cuts based on colleges

continuing to raise their tuition and fees at better than twice the rate of inflation would only have an effect on title IV funding. Also, he referred to cost controls. I lived through cost controls. I was a retailer in the 1970s when President Nixon imposed price controls. Let me explain the way price controls work. One day we were able to sell jeans at a certain price. When price controls took effect, we no longer could sell those jeans at any other price other than what the government set. The only way that we could ever increase our prices at a retail or wholesale level was if we went before a bureaucratic board set up by the government and explained our costs and they finally maybe granted us the ability to increase our prices.

That is not what I propose in my bill. What I propose in the bill is encouragement for the schools to keep their tuition and fees down. For the last 20 years, they have been raising them at four times the rate of people's ability to pay those college costs. We tell the schools, if they want to keep charging more, they can; but we do not have to keep giving them some of that $65 billion of Federal aid that goes to the schools, not to the students.

Mr. Speaker, I yield such time as she may consume to the gentlewoman from Texas (Ms. GRANGER), the author of the resolution that is before us, H. Res. 378.

Ms. GRANGER. I thank the gentleman from California for yielding me this time.

Mr. Speaker, Mark Twain once said, ''Out of our schools grows the greatness of our Nation.'' Today I want to introduce you to the greatness of our Nation. I want you to meet Logan Granger. Yes, that is right, Granger. Logan is my grandchild. He is one of the loves of my life. I actually have two grandchildren, I have Logan and Jack, but today we are going to focus on Logan. When I look at Logan's big brown eyes, I absolutely melt and I want him to have the very best in the world. I want him to have the best education, the best job, the best family life. I want him to have everything. And I know the right place to start with making sure that Logan has it all is to make sure that Logan has the best education available.

Today, the finest education is marked by a college degree. When I taught, a high school certificate was a mark of success. Today, a college degree is a must. In the past 5 years, jobs requiring a college degree have increased almost nine times more than jobs requiring a high school diploma. The fact is that the college degree is a must-have for today's students. I believe little Logan should have the opportunity to have that college diploma. Logan should be able to attend the public or the private school of his dreams. In other words, he should have choice. But his family should also have affordability.

Unfortunately, we all know the cost of a college education can send any parent or grandparent into financial hiding. Today at Texas Christian University in Fort Worth, a college degree will cost about $19,000 a year and students come from all over the world to attend there. When Logan is ready to go to TCU, or whatever school he chooses, schools like TCU could cost as much as $45,000 a year. Yes, a year. It is sticker shock for all of us, but it is something we need to face. But before we decide the situation is futile, we need to recognize that with proper planning, a college education can be affordable.

For several years now, public schools have joined together in co-ops that work together to set up one prepaid plan for parents to pay into. Then when the young one is all grown up and is ready to go to college, the family can choose from a list of schools that participate in that plan. The result is choice and affordability in public education.

Today I am here to praise the expansion of the prepaid tuition plans. I introduced legislation that was signed into law 2 years ago that would allow private schools to join together and offer similar choice and affordability in education. Today I am here to congratulate the more than 200 private colleges and universities in the recent launch of their prepaid tuition plans. Together, the plans are known collectively as the independent 529 plan and many of the schools in Texas, including Texas Christian University and Southwestern University in Georgetown, are participants in this plan. The creation of this plan means that Logan's parents can save around $100,000 in total private education. That is right. If Logan's parents buy into the independent 529 plan today, they can save around $100,000. We are literally talking about tomorrow's education at today's price. The 529 plans are all about choice and affordability in private schools. Choice for Logan and affordability for his parents.

Mr. Speaker, I am honored to be the sponsor of House Resolution 378, which congratulates private colleges and universities for their ongoing commitment to make a college education affordable and accessible to thousands of families. This will mean more opportunity for more young people and more universities. That is a small price to pay for Logan or Jack or any other child for something as worthy as a college education.

Mr. HOLT. Mr. Speaker, I yield myself such time as I may consume. I would just reply to my colleague from California that in describing his experience with price controls, his personal experience, I think he made a very good case against his proposal, and I think made it clear that the colleges and universities that are in the tightest financial straits, such as Historically Black Colleges and Hispanic Serving Institutions, those with a large number of work-study students, would be the ones that would be hurt most by that proposal.

Mr. Speaker, I yield 4 minutes to the distinguished gentleman from Illinois (Mr. DAVIS), my colleague on the Committee on Education and the Workforce.

□ 1445

Mr. DAVIS of Illinois. Mr. Speaker, I thank the gentleman from New Jersey for yielding me time.

Mr. Speaker, I rise today in support of H. Res. 378, recognizing Independent 529 plans for launching a prepaid tuition plan. These plans allow families to lower the cost of a private college or university education by locking in current tuition rates for future use at any of the participating private colleges and universities.

We all believe that every young person who would like to attend college should be able to do so. The benefits of receiving a college degree are continuous, not only strengthening the self-esteem of a person, but also allowing that individual to have a better and more secure lifestyle.

According to the United States Census Bureau, a person with a Bachelor's Degree will earn nearly 90 percent more on average than a person with only a high school diploma. Not only is the pay significantly better, but it is also more likely that occupations held by a person with a Bachelor's Degree will have additional benefits, such as health care and employer pension plans.

Most funding that colleges and universities receive has been reduced due to the extreme economic state of most States in our Nation and the debt of the Federal Government. However, to remain vital in competition, colleges and universities must pay for the best professors, keep technology current and keep buildings maintained. Unfortunately, these costs are now being passed down to the students. The Independent 529 plans serve as one way to help with this rising cost.

Currently over 200 private colleges and universities throughout the country have agreed to participate in these plans. Of the six participating colleges and universities in Illinois, I am proud and pleased that the Illinois Institute of Technology, which is in my district, is one of the 529 plan participants.

I believe that although the Independent 529 plans will not help all families achieve the dream of going to college, it will help a good number of families who dream of sending their children to private colleges and universities, and, for that reason, I support this legislation and urge its passage.

Mr. MCKEON. Mr. Speaker, I yield 1 minute to the gentleman from Georgia (Mr. GINGREY), an outstanding new member of the Committee on Education and the Workforce.

Mr. GINGREY. Mr. Speaker, I thank the chairman for yielding me time.

I rise very much in support of H. Res. 378, and I commend the author, the gentlewoman from Texas (Ms. GRANGER), for bringing this bill forward. If I

did not know anything about the bill, after seeing that beautiful grandchild, Logan, in that portrait, I think I would be supportive of this effort. It is very, very persuasive, and I commend the gentlewoman for that.

But, seriously, this bill is a great bill. I have a private college in my 11th District of Georgia, Berry College, a wonderful private college in Rome, Georgia, that is part of these 200 private colleges and universities participating in this plan. As has been pointed out by the previous speakers, the cost of college has been rising so much, since 2001 something like $16,000 a year on average to go to a private college or university.

This opportunity for our families that want to send their children to these schools to go ahead and invest and save that money at a tax advantage and lock in that tuition so it is not rising at double the rate of inflation, I think is a very important thing to do.

I commend the gentlewoman for this bill and give it my strong support. I urge all of my colleagues to support this great resolution.

Mr. HOLT. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, perhaps I could show some pictures of my grandchildren. I commend the gentlewoman from Texas and the gentleman from California for advancing this legislation. Anything that will improve the accessibility and affordability of college for qualified American students is to be encouraged.

Mr. Speaker, I yield back the balance of my time.

Mr. MCKEON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, according to the Advisory Committee on Student Financial Assistance, cost factors, with the rate of tuition and fee increases over the last 20 years, show that 48 percent of our lower-income young people that that graduate from high school prepared for college are not able to go to a college or university of their choice, and 22 percent of them cannot even go to a community college. I think anything we can do to make it possible for these young people to attend school is vitally important.

I have 25 grandchildren and one on the way. When I saw that picture of the grandson of the gentlewoman from Texas (Ms. GRANGER), Logan, that was a great selling tool, and I really appreciate what she is doing to help young people and help their families to put money aside to send them to school. I urge all of us to support this bill.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise in support of H. Res. 378—Recognizing the Independent 529 Plan for Launching a Prepaid Tuition Plan That Will Benefit Our Nation's Families Who Want to Send Their Children to Private Colleges and Universities.

Higher education today is among the most prominent barometers of success in adult life. Compared to high school diploma recipients those who earn a college degree have a much higher rate of employment and greater earning potential. The economic implications of a student's failure to earn a college degree are astounding, especially as our economy becomes more dependent on information industries. Nearly 2 out of the 3 new jobs that will be created over the next 7 years will require some post-high school training.

Unfortunately, despite all the indicators many low income and middle-income students and their families are struggling to meet the soaring costs of attending college. These students are taking loans and working long hours to meet the increasing costs of college.

Over the past decade student loan debt has nearly doubled to $17,000 and about one-fifth of full-time students work 35 or more hours a week.

According to the College Board's annual survey of tuition and student aid on college campuses, in 2003 tuition and fees increased at colleges and universities nationwide. Tuition increased by 14.1 percent at four-year public institutions, 13.8 percent at two-year public institutions, and 6.0 percent at four-year private institutions.

While 70 percent of all students pay $8,000 or less in tuition each year, low-income students continue to fall far behind in accessing a college education. The ratio of a low-income family's earnings used to pay for tuition increased to 71 percent, while this ratio held steady for middle-income families at 17 percent and 6 percent for those with the highest incomes.

I support the Independent 529 plan because I know that the future of this nation depends on the academic preparation of our children. The Independent 529 Plan is a prepaid tuition plan that enables families to lock in the future tuition costs at less than today's prices. Through the Plan, certificates are purchased that can be used to pay future tuition costs. When the student is later accepted at a member college, the certificate can be used to pay the percentage of tuition pre-purchased.

Independent 529 Plan is the first 529 plan sponsored by private (''independent'') colleges, and Program certificates can be redeemed for tuition at a broad array of independent colleges nationwide. Many of these colleges are in the state of Texas: Abilene Christian University, Austin College, Baylor University, Dallas Baptist University, Hardin-Simmons University, Lubbock Christian University, Rice University, St. Edward's University, St. Mary's University, Southern Methodist University, Southwestern University, Texas Christian University, Trinity University, University of Dallas, and University of Mary Hardin-Baylor.

I am confident that the list of member colleges will grow to include Historically Black Colleges across the country.

Sadly, low income and working class families are struggling to get their students a quality education while Republicans have forgotten them and instead focused on budget cuts and tax breaks for the wealthy. The weakened economy, tax and budget cuts and other federal policies that increase national and state debt have led states to increase tuition and place the burden of increased costs for college on families who cannot afford it.

As I stand here, the doors to higher education institutions and to greater opportunity for our young people are closing at an alarming rate. When major federal higher education grant programs are eliminated and federal aid to colleges are cut, minority students and disadvantaged students are shut out of a college education—a vehicle that is critical to a better future. The Independent 529 plan will help alleviate the burden of cost placed on families who desperately want to secure a quality college education for their children.

Mr. BOEHNER. Mr. Speaker, I am pleased to offer my support for H. Res. 378. This resolution recognizes independent colleges and universities that participate in prepaid tuition plans that give families options when paying for the cost of postsecondary education. I thank Representative GRANGER for sponsoring this resolution that calls our attention to the need to give families and students these payment options and to the independent colleges and universities that participate in these prepaid tuition plans.

Our economy is changing. The manufacturing economy of the 20th century is being replaced with a knowledge- and information-based economy in the 21st century, and our workforce must adapt accordingly. The demand for individuals with at least some postsecondary education has been growing, and is expected to continue growing more rapidly than the demand for individuals with only a high school diploma.

When coupled with our current college cost crisis, it is clear that in order to meet this demand we must make a postsecondary education more affordable for more individuals. Our economy is increasingly dependent on the availability of skilled, well-educated workers, and the need to increase access to higher education is a critical part of that equation. This resolution recognizes those that make postsecondary education more attainable.

H. Res. 378 draws attention to prepaid tuition plans. These plans allow families to prepare for the cost of a postsecondary education by planning ahead, saving wisely, and reducing the tax burden on such academic savings that will be used to send students to college in the future.

The Committee on Education and the Workforce, and specifically Representatives MCKEON's subcommittee, is in the midst of the reauthorization of the Higher Education Act. Members are carefully examining a range of issues, including dramatic tuition increases, the need to expand access—particularly for non-traditional college students—and what appears to be a troubling lack of transparency in higher education.

Often, I expect, we hear from concerned parents that college costs are out of hand and that they will not be able to afford a postsecondary education for their children. Keeping college affordable is no simple task, and finding solutions will not be easy. However, I believe that prepaid tuition plans offer parents some options for dealing with the college cost crises. I urge my colleges to support this resolution that recognizes the schools that participate in these plans.

Mr. MCKEON. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. STEARNS). The question is on the motion offered by the gentleman from California (Mr. MCKEON) that the House suspend the rules and agree to the resolution, H. Res. 378, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the resolution, as amended, was agreed to.

The title of the resolution was amended so as to read: ''A resolution recognizing the more than 200 independent colleges and universities that together have addressed the need to help families pay for the increasing cost of attending college by creating the first nationwide prepaid tuition plan.''.

A motion to reconsider was laid on the table.

RECOGNIZING THE IMPORTANCE OF CHEMISTRY AND SUPPORTING GOALS AND IDEALS OF NATIONAL CHEMISTRY WEEK

Mr. GINGREY. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 395) recognizing the importance of chemistry to our everyday lives and supporting the goals and ideals of National Chemistry Week.

The Clerk read as follows:

H. RES. 395

Whereas chemistry is at the core of every technology we enjoy today;

Whereas the power of the chemical sciences is what they create as a whole: an enabling infrastructure that delivers the foods, fuels, medicines, and materials that are the hallmarks of modern life;

Whereas the contributions of chemical scientists and engineers are central to technological progress and the health of many industries, including the chemical, pharmaceutical, electronics, agriculture, automobile, and aerospace sectors, and these contributions create new jobs, boost economic growth, and improve our health and standard of living;

Whereas the American Chemical Society, the world's largest scientific society, founded National Chemistry Week in 1987 to educate the public about the role of chemistry in society and to enhance students' appreciation of the chemical sciences;

Whereas National Chemistry Week is a community-based public awareness campaign conducted by more than 10,000 volunteers in all 50 States, the District of Columbia, and Puerto Rico;

Whereas National Chemistry Week volunteers from United States industry, government, secondary schools, and institutions of higher education reach and educate millions of children through hands-on science activities in local schools, libraries, and museums;

Whereas the theme of National Chemistry Week in 2003, ''Earth's Atmosphere and Beyond!'', was chosen to honor the 100th anniversary of Orville and Wilbur Wright's flight from Kitty Hawk, North Carolina; and

Whereas, in recognition of National Chemistry Week, volunteers all across the United States will teach children about air, the atmosphere, our solar system, and the uniqueness of planet Earth during the week beginning October 19, 2003: Now, therefore, be it

Resolved, That the House of Representatives—

(1) recognizes that the important contributions of chemical scientists and engineers to technological progress and the health of many industries have created new jobs, boosted economic growth, and improved the Nation's health and standard of living;

(2) supports the goals and ideals of National Chemistry Week, as founded by the American Chemical Society; and

(3) encourages the people of the United States to observe National Chemistry Week with appropriate recognition, ceremonies, activities, and programs to demonstrate the importance of chemistry to our everyday lives.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Georgia (Mr. GINGREY) and the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON) each will control 20 minutes.

The Chair recognizes the gentleman from Georgia (Mr. GINGREY).

GENERAL LEAVE

Mr. GINGREY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H. Res. 395.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Georgia?

There was no objection.

Mr. GINGREY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, today I am pleased that we are considering this resolution recognizing the importance of chemistry in our everyday lives. This resolution supports the goals and the ideals of National Chemistry Week, and it recognizes the important contributions of chemical scientists and engineers to technological progress and the health of many industries. In addition, it encourages the people of the United States to observe National Chemistry Week, which this year is October 19 through 25. As a graduate of the Georgia Institute of Technology with a Bachelor's Degree in chemistry, I enthusiastically support this effort.

The chemical sciences provide an enabling infrastructure that delivers the foods, fuels, medicine and materials that are part of our everyday lives. The contributions of chemical scientists and engineers are central to the technological progress of many areas that affect our everyday lives.

I commend the American Chemical Society for establishing National Chemistry Week in 1987. During National Chemistry Week, volunteers from across the United States will teach children about our air, the atmosphere and the solar system. The theme in 2003, Earth's Atmosphere and Beyond, was chosen to honor the 100 anniversary of Orville and Wilbur Wright's flight from Kitty Hawk, North Carolina.

It is important to stimulate children's interest in the chemical sciences so that they will consider careers in these fields and potentially discover the innovations for our future.

I urge all of my colleagues to support this resolution, and thus recognize and support the goals and ideals of National Chemistry Week.

Mr. Speaker, I reserve the balance of my time.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H. Res. 395. This bipartisan resolution was introduced by the gentleman from New Jersey (Mr. HOLT) and the gentleman from Michigan (Mr. EHLERS). They are both Ph.D. physicists who appreciate the importance of chemistry. I want to congratulate them for bringing this resolution forward.

Chemistry and chemical engineering contributes to public health through such things as new biomaterials, drug design and drug-delivery technologies and gene therapy. These disciplines help develop new structural and electronic materials and advance technologies that improve energy utilization and transportation systems. In short, chemistry and chemical engineering contribute in critical ways to the economic strength, security and well-being of our Nation.

National Chemistry Week was started as an annual event in 1987 by the American Chemical Society. It sponsors activities to make elementary and secondary school children, and the public in general, more aware of what chemistry is and its importance to their everyday lives.

National Chemistry Week activities are carried out by the local sections of the American Chemical Society, which are found in all parts of the Nation. They work with local industries, schools and museums to design hands-on activities, provide chemical demonstrations and develop exhibits. By these means, the local organizations provide opportunities to stimulate the interests of young people in science and in pursuing scientific careers. And the activities of the National Chemistry Week help advance the important goal of increasing public understanding of science generally.

For 2003, the theme of the National Chemistry Week is Earth's Atmosphere and Beyond. This is very appropriate because it is in honor of the 100th anniversary of the Wright Brothers' first powered flight.

I congratulate the American Chemical Society for their efforts to establish and sustain National Chemistry Week. I support this resolution, and recognize the value of chemistry and the goals of National Chemistry Week. I ask for its adoption by the House.

Mr. GINGREY. Mr. Speaker, I reserve the balance of my time.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I yield 4 minutes to the gentleman from New Jersey (Mr. HOLT).

Mr. HOLT. Mr. Speaker, I thank the gentlewoman for yielding me time.

Mr. Speaker, I would like to thank the leadership for bringing this bill to the floor, recognizing the importance of chemistry in our everyday lives, and supporting National Chemistry Week. The gentleman from Michigan (Mr. EHLERS) has been very helpful as an original cosponsor of this bill and helped move it forward. He and I do this as the two physicists in Congress, with no suggestion of irony that we physicists would be sponsoring National Chemistry Week.

Finally, I would like to thank the gentlewoman from Illinois (Mrs.

BIGGERT) and the gentleman from Massachusetts (Mr. OLVER) for cosponsoring the bill and for their support, the gentleman from Massachusetts (Mr. OLVER) himself being a research-trained chemist.

Indeed, chemistry is not something that occurs just in the laboratory, it is everywhere, and this resolution is intended to emphasize that point, the importance of chemistry in our everyday lives.

Today's scientists are working to understand global climate change and to develop cleaner energy sources. Our cars have more computing power than the Apollo spacecraft. In many ways, science permeates our lives, and we certainly should do all we can to recognize that and see that youngsters, as well as oldsters, integrate their understanding of science in their lives.

Following the launch of Sputnik in 1957, major steps were taken in the United States to improve the resources going into science. The goal was to produce a superior technical workforce so that we would be second to none in engineering and science. There was increased funding for school laboratories, revision of math and science curricula and new university scholarships for future scientists. Indeed, this initiative produced a generation of scientists and engineers who have contributed greatly to our economic and technical accomplishments and to the quality of life of people around the world.

□ 1500

I was a product of that revolution. Today, as a policy maker, I see the shortcomings of our earlier revolution in science and mathematics education.

Too often the push for improving public competence in science and mathematics is justified on the grounds of economics, national security, and an informed citizenry. There is no question that these are vitally important reasons, but we should not forget the reason of personal well-being. Understanding sciences like chemistry brings order, harmony, and balance to our lives. They teach us that the world is intelligible and not capricious. They give us the skills for lifelong learning, for creating progress itself.

In setting up the science programs following the launch of Sputnik, we focused on developing scientists and engineers and tend to have left behind the other 80 or 90 percent of our society who should understand science, should integrate it into their lives, even if they are not to become professional scientists. That is why I am proud to see this House recognizing in this legislation the importance of chemistry and the goals and the ideals of National Chemistry Week.

I thank the Speaker for bringing this resolution to the floor. I thank my colleague, the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON), for yielding me the time to speak.

Mr. GINGREY. Mr. Speaker, I have no other speakers, but I continue to reserve the balance of my time.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I have no further speakers, and I yield back the balance of my time.

Mr. GINGREY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am honored to present this resolution supporting the ideals of National Chemistry Week. And I want to commend the co-authors, the gentleman from Michigan (Mr. EHLERS) and the gentleman from New Jersey (Mr. HOLT), the Ph.D. physicists, for bringing this bill forward.

So this Member who has a bachelor of science, a meager bachelor of science degree in chemistry, is humbled in their presence, but this is a wonderful bill, and I am very, very supportive of it.

Mr. Speaker, I think I have got a little bit of time left, and I see that the gentleman from Michigan (Mr. EHLERS), of whom I just spoke, the distinguished gentleman from Michigan, that Ph.D., one of those Ph.D. physicists of which I just spoke, has just arrived.

Mr. Speaker, I am very happy at this time to yield such time as he may consume to the gentleman from Michigan (Mr. EHLERS).

(Mr. EHLERS asked and was given permission to revise and extend his remarks, and include extraneous material.)

Mr. EHLERS. Mr. Speaker, I am sorry but I am a bit late and out of breath. My plane was an hour and a half late. I believe I ran all the way from the airport.

Mr. Speaker, it is a pleasure to speak on this resolution. We have often heard the phrase ''better living through chemistry,'' and that is very true. And I find it strange that today many people regard chemistry as a danger because they worry about things such as pesticides. In fact, I recall speaking to a person once who said that she really did not dare to eat anything now unless it was natural because of the chemicals. And I said, ''Well, do you like oranges?'' ''Oh, yes, they are wonderful.'' she replied. I said, ''In spite of the fact that they are filled with chemicals, chemicals such as vitamin C?'' And I went on to name other chemical components.

Chemicals can be either good or bad. And they are certainly a part of everyday life, but what I appreciate is the many good things that chemistry has brought us. And I also appreciate the American Chemical Society, which has established the National Chemistry Week which we are celebrating here. This year the theme is Earth's Atmosphere and Beyond, in an effort to honor the 100th anniversary of Orville and Wilbur Wright's flight at Kitty Hawk, North Carolina.

But there is so much more to chemistry activities that we do not realize. What I appreciate about the American Chemical Society, also, is their interest in education.

In my efforts to improve math and science education in this Nation, I have worked very closely with the American Chemical Society over the past few years. And they have been outstanding in their efforts to assist in improving math and science education, and National Chemistry Week is part of that.

I just received this morning an e-mail from Michelle DeWitt from Michigan who is one of the organizers of the National Chemistry Week in Michigan. And she talked a little bit about what they did last week.

Let me read portions of her letter. ''Our National Chemistry Week event at Westshore Mall was a huge success. We had our largest amount of volunteers ever, with nearly 100 people helping out, including students from Grand Valley State University, Grand Rapids Community College, Aquinas College, some local high school and younger students with parents. This was very fortunate because we had the largest turnout with about 3,000 people stopping by between 10 a.m. and 4 p.m. on Saturday, October 18th.

''We had six demonstrations by area chemists and about ten activity tables, where area chemists and college students engaged in hands-on activities with kids of all ages. There was a constant stream of rockets shooting off. Some even hit the ceiling. Making slime is always one of the kids' favorite activities.''

''We gave away about 1,300 balloons to kids. I heard one boy walking into the mall with his dad saying, 'Look, Dad, a party.' and I thought it was great to have kids think of science as a party. The newspaper reporter who spent most of the day with us commented on how much fun everyone was having and said there were so many fun things going on it was like a ten-ring circus.''

Then she goes on and talks about the volunteers and the great things they did. Mr. Speaker, at this point I will insert the entire text of the letter.

To: Laura G. Kolton, American Chemical Society

Our NCW event at Westshore Mall was a huge success. We had our largest amount of volunteers ever with nearly a hundred people helping out, including students from Grand Valley State University, Grand Rapids Community College, Aquinas College, some local high school and younger students with parents. This was very fortunate because, due to advertising in both the Grand Rapids Press and the Holland Sentinel, we had the largest turn out with about 3000 people stopping by between 10 am and 4 pm on Saturday October 18th.

We had 6 demos by area chemists and about 10 activity tables where area chemists and college students engaged in hands-on activities with kids of all ages. There was a constant stream of rockets (made with vinegar / baking soda / film containers) shooting off. Some even hit the ceiling. Making slime is always one of the kids favorite activities. We also had a poster drawing contest. We will be sending our winning posters in to the National ACS competition.

We gave away about 1300 balloons to kids. I heard one young boy walking into the mall with his dad say ''Look Dad, a party,'' and I thought it was great to have kids think of science as a party. Even the Holland Sentinel reporter who spent most of the day

with us commented on how much fund everyone was having, and said there were so many fun things going on it was like a 10 ring circus.

We had two sixth grade volunteers (Debra Gorden and Shannon Vandenberg) from Blandford school (which is a Grand Rapids Public school for 6th grade students who have excelled in elementary school.) These girls worked a booth giving away tattoos, stickers, magnifying glasses and ChemMatters Magazine, with the help of two chemistry students from GRCC (Grand Rapids Community College). They loved working with the college guys and were smiling all day. The college students were very nice and inspired the young girls into an interest in college and disproved the stereotype of the geeky chemist.

Through this National Chemistry Week thousands of children will learn about the earth's atmosphere and the solar system through hands-on events and demonstrations.

I commend the American Chemical Society for stimulating our children's interest in the chemical sciences so that they will not only be interested, but will consider careers in these fields and potentially discover the innovations of the future.

Mr. Speaker, I urge my colleagues to support this resolution recognizing the goals and ideals of National Chemistry Week.

Today, I am pleased that we are considering this resolution recognizing the importance of chemistry to our everyday lives. This resolution supports the goals and ideals of National Chemistry Week. It recognizes the important contributions of chemical scientists and engineers to technological progress and the health of many industries. In addition, it encourages the people of the United States to observe National Chemistry Week, which, this year, is October 19–25.

The chemical sciences provide an enabling infrastructure that delivers the foods, fuels, medicine, and materials that are part of our everyday lives. The contributions of chemical scientists and engineers are central to the technological progress and the health of many industries.

I commend the American Chemical Society for establishing National Chemistry Week in 1987. During National Chemistry Week, volunteers from across the United States will teach children about air, the atmosphere and the solar system. The theme in 2003, "Earth's Atmosphere and Beyond," was chosen to honor the 100th anniversary of Orville and Wilbur Wright's flight from Kitty Hawk, NC. It is important to stimulate children's interest in the chemical sciences so that they will consider careers in these fields and potentially discover the innovations of the future.

I urge my colleagues to support this resolution recognizing the goals and ideals of National Chemistry Week.

Mr. GINGREY. Mr. Speaker, I have no other requests for speakers but, again, in conclusion, let me just say that I commend the gentleman from New Jersey (Mr. HOLT) and the gentleman from Michigan (Mr. EHLERS) for bringing forward this resolution. And I urge all of my colleagues to support its adoption.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. SCHROCK). The question is on the motion offered by the gentleman from Georgia (Mr. GINGREY) that the House suspend the rules and agree to the resolution, H. Res. 395.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

RECOGNIZING THE ANNIVERSARY OF THE AMERICAN ASSOCIATION FOR THE ADVANCEMENT OF SCIENCE CONGRESSIONAL SCIENCE AND ENGINEERING FELLOWSHIP PROGRAM

Mr. EHLERS. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 279) recognizing the significance of the anniversary of the American Association for the Advancement of Science Congressional Science and Engineering Fellowship Program, and reaffirming the commitment to support the use of science in governmental decision-making through such Program.

The Clerk read as follows:

H. CON. RES. 279

Whereas Congress hosted the American Association for the Advancement of Science's (AAAS) first Congressional Science and Engineering Fellows 30 years ago in 1973;

Whereas the AAAS Congressional Science and Engineering Fellowship Program was the first to provide an opportunity for Ph.D.-level scientists and engineers to learn about the policymaking process while bolstering the technical expertise available to Members of Congress and staff;

Whereas Members of Congress hold the AAAS Congressional Science and Engineering Fellowship Program in high regard for the substantial contributions that Fellows have made, serving both in personal offices and on committee staff;

Whereas the Congress is increasingly involved in public policy issues of a scientific and technical nature and recognizes the need to develop additional in-house expertise in the areas of science and engineering;

Whereas more than 800 individuals have held AAAS Congressional Science and Engineering Fellowships since 1973;

Whereas the AAAS Congressional Science and Engineering Fellows represent the full range of physical, biological, and social sciences, and all fields of engineering;

Whereas the AAAS Congressional Science and Engineering Fellows bring to the Congress new insights and ideas, extensive knowledge, and perspectives from a variety of disciplines;

Whereas the AAAS Congressional Science and Engineering Fellows learn about legislative, oversight, and investigative activities through assignments that offer a wide array of responsibilities;

Whereas AAAS Congressional Science and Engineering Fellowships provide an opportunity for scientists and engineers to transition into careers in government service; and

Whereas many former AAAS Congressional Science and Engineering Fellows return to their disciplines and share knowledge with students and peers to encourage more scientists and engineers to participate in informing government processes: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That the Congress—

(1) recognizes the significance of the anniversary of the American Association for the Advancement of Science Congressional Science and Engineering Fellowship Program;

(2) acknowledges the value of 30 years of participation by the American Association for the Advancement of Science Congressional Science and Engineering Fellows; and

(3) reaffirms its commitment to support the use of science in governmental decision-making through the American Association for the Advancement of Science Congressional Science and Engineering Fellowship Program.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Michigan (Mr. EHLERS) and the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON) each will control 20 minutes.

The Chair recognizes the gentleman from Michigan (Mr. EHLERS).

GENERAL LEAVE

Mr. EHLERS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and to include extraneous material on H. Con. Res. 279, the concurrent resolution now under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. EHLERS. Mr. Speaker, I yield myself such time as I may consume.

Today I am pleased that we are considering this resolution recognizing the 30th anniversary of the Congressional Science and Engineering Fellowship Program coordinated by the American Association for the Advancement of Science, better known as AAAS.

This resolution has bipartisan support from 26 cosponsors. It recognizes a truly valuable educational program that gives scientists a wonderful opportunity to step out of the lab and into the political process. By working as legislative assistants in congressional offices, they get a behind-the-scenes look at how our laws are made, writing speeches, developing legislation, and serving as liaisons to committees on which a Member serves. At the same time Members of Congress and other policy makers gain a valuable new resource to help them better understand the scientific and technical issues underpinning complex policy debates.

Six different fellows have served on my staff and each one has used their unique talents and understanding to help shape my legislative agenda. One in particular contributed greatly to this Nation at the time I was rewriting the Nation's science policy at the request of Speaker Gingrich and Chairman SENSENBRENNER. Sharon Hayes played a key role in the preparation of that report, which has been widely used and quoted throughout the scientific community.

After 30 years, this program is still going strong. Over 800 scientists have now served Republican, Democratic, and Independent Members of Congress

and many are currently working for Congress and the administration. These individuals have contributed not only their scientific expertise, but also a fresh perspective to policy making. I urge my colleagues to recognize the success of this program by supporting this resolution to honor the AAAS Congressional Fellowship Program.

Mr. Speaker, I reserve the balance of my time.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of House Concurrent Resolution 279. This resolution recognizes the 30th anniversary of the Congressional Fellowship Program instituted by the American Association of Advancement of Science. I congratulate the gentleman from Michigan (Mr. EHLERS) for taking the initiative to develop this resolution.

The AAAS Congressional Science and Engineering Fellowship Program has provided congressional committees and Members' offices with scientific and technical expertise that has greatly benefited governmental decision-making for three decades. The Committee on Science has made frequent use of AAAS fellows over the life of the program, and several subsequently have served on the professional staff of the committee.

I know that many of my colleagues have repeatedly sought AAAS fellows for their personal offices because of the quality of the contributions they have made. The issues confronting Congress increasingly involve scientific and technical aspects. Ph.D.-level scientists and engineers serving as congressional fellows bolster the technical expertise available to Members and staff by bringing to bear extensive knowledge and fresh insights and perspectives.

The presence of congressional fellows enhances the public policy formulation process. In addition, the program provides fellows with a window of the policy formulation process and the workings of Congress that they take back to their home institutions. It also provides a mechanism that many fellows have used to transition to careers in public service.

Mr. Speaker, the American Association for the Advancement of Science is to be congratulated for creating this successful and valuable congressional fellows program. And it is appropriate for us to recognize the contributions of more than 800 fellows who have participated in this program since 1973. I urge my colleagues to support this worthy resolution.

Mr. Speaker, I reserve the balance of my time.

Mr. EHLERS. Mr. Speaker, I have no other speakers at this time. I will reserve the balance of my time.

MS. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I yield 5 minutes to the gentleman from New Jersey (Mr. HOLT).

Mr. HOLT. Mr. Speaker, I rise in strong support of H. Con. Res. 279 to recognize the importance of the American Association for the Advancement of Science Congressional Fellowship Program. For 30 years, the fellowship program has brought together Members of Congress with leading scientific practitioners and scholars in a variety of scientific fields. And this has provided a level of scientific expertise not otherwise found on most congressional staffs, and it presents the congressional fellows with an intimate role in the process of decision-making in public policy.

□ 1515

It is hard to find an issue before this body that does not have significant scientific and technological components, and yet those components often get short-shrifted. I was an AAAS Fellow 20 years ago, in fact, the only alumnus of that program yet to serve in this body, although I am sure that there are some others on the way. I was very fortunate to take part in that program, and I witnessed firsthand the important role that scientific expertise can bring to policy decisions.

Since I have been a Member of Congress for the past 5 years, I have welcomed AAAS Fellows into my staff and fully integrated them into my staff because of the wealth of knowledge they provide and their ability to pose questions. Of course, that is the essence of science, to be able to pose questions. I have benefited from their aptitude, their ability and their energy; and I will, as long as I serve in this body, continue to recruit these motivated and high-qualified experts and do everything I can to make this program a success. It has, in many ways, benefited America.

Let me mention a few of the Fellows who have served with me. Joan Rothenberg joined my staff and shared her expertise on food technology and was integral in developing legislation to provide the public with scientifically based information on biotechnology.

Katy Makeig provided my staff with technical expertise on geology and energy and research and development.

At the time our Nation was struggling with the anthrax attacks, microbiologist Jill Harper worked on my staff on critical issues of bioterrorism and health and homeland security.

Jeffrey Haeni helped to establish here the Congressional Caucus on Research and Development which I think will prove to be an important part of this body.

But it is not so much the specific expertise that these Fellows and that other science Fellows bring; it is the level of comfort with science and technology, the familiarity with science and technology that they bring.

Members of Congress, let me just say, are generally not loath to talk about subjects in which they are not well trained, except in science. My colleagues and I will hold forth on economics or international relations or any number of other things; but when it comes to science, they say, whoa, that is not for me. I am not a scientist. And as a result, many of the aspects of science, many of the aspects of the policy questions before us that involve science and technology do not get the attention they should. That is why this congressional Fellows program, this AAAS science program is so important. It is in many offices the only scientific expertise that is provided. This technical expertise is very valuable to Congress; and it allows not only these Fellows to bring scientific expertise here; it allows them to carry political expertise back to their professions.

So as AAAS celebrates 30 years in the Congressional Fellowship Program, I encourage all of my colleagues to join me, to join the sponsor, the gentleman from Michigan (Mr. EHLERS), in recognizing the notable contributions provided by these Fellows, the political expertise that they take back to their professions that enriches our country in so many ways, and to applaud the sponsoring societies for providing the support for these Fellows. It truly is a public service.

The AAAS seeks ''to advance science and innovation throughout the world for the benefit of all people.'' The Congressional Fellowship Program carries that mission beyond the walls of academic institutions and research laboratories and into the legislative process.

Mr. EHLERS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I thank the gentleman from New Jersey (Mr. HOLT) for his comments and his co-sponsorship on this resolution. I also thank him for his sponsorship on the previous resolution on National Chemistry Week. He and I, as most people know, are the only two physicists in the Congress and I am told are the only two that have ever served in this Congress. That, I think, is an indictment of the scientific community because we should have more scientists in the Congress, but most scientists tend to shy away from this particular type of activity. But the Fellows that we are honoring here have filled the gap, as the gentleman from New Jersey (Mr. HOLT) has so clearly outlined. They provide some very badly needed scientific advice.

I recognized the need for this some years ago before there was a fellowship program, and I contacted my Congressman and I worked with him over several years informally advising him on science. His name happened to be Gerald R. Ford. And I was very pleased when he became President and he continued to use some of the advice that I had given him.

The OTA came along and that relieved some of the need for scientific advice; but as we know, the OTA is no longer with us. And so the Fellows are extremely important in maintaining the scientific competence of the Congress, both House and Senate. Many of

the Fellows have returned to their laboratories where they serve as a good liaison between the scientific communities and the Congress. Many others have chosen to stay here; and I have one sitting immediately behind me, Ms. Amy Caroll, who served as science Fellow and now serves as my designee on the Committee on Science, particularly the Subcommittee on Environment, Technology and Standards.

In my office I have a scientist Ellen Burns, who is currently my employee, but previously served as a science Fellow; and you will find many former science Fellows in the halls of Congress, in the administration, playing a very vital role in keeping this Nation's governing bodies current in science. So this has been a very valuable enterprise.

I was pleased to be involved in Fellows programs from the very start. I served on one of the first interviewing boards. We have come a long way since then because at that time scientists did not even know what it meant to become involved politically. Now we have a good network, thanks to the AAAS and the sponsoring societies; and it has been very, very beneficial to our Nation.

Mr. Speaker, I reserve the balance of my time.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I urge support for the resolution.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. EHLERS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I urge that this resolution be adopted, and I thank all of those who have supported it and cosponsored it.

Mr. MARKEY. Mr. Speaker, I rise in celebration of the 30th anniversary of the congressional fellows program of the American Association for the Advancement of Science (AAAS).

The mission of the AAAS is to "Advance science and innovation throughout the world for the benefit of all people". In pursuit of this mission, in 1973 the AAAS established a fellowship program designed to provide a unique public policy learning experience for scientist and to demonstrate the value of science-government interaction. From an initial cohort of seven Fellows, the AAAS program has grown over thirty years to include nearly one hundred Fellows each year, serving in both Houses of Congress and many agencies of the executive branch. Bringing technical backgrounds that range from astrophysics to veterinary radiology, AAAS Fellows have made important contributions to all areas of government policy. Many former Fellows have remained in Washington at the end of their twelve-month tenure, to become members of the scientific policymaking community. Others have returned to scientific careers with an enhanced appreciation of public policy, sharing this knowledge and experience with colleagues and students.

I have welcomed over twenty AAAS Fellows into my office since 1979 and have been consistently impressed by their contributions to policymaking and advising. They have made a significant positive impact on the quality of life for the people of Massachusetts, the United States, and the world by instilling a measure of science and humanity into the decisions we are asked to make in these chambers every day. I look forward to working with AAAS Fellows for another thirty years.

The following article from the Washington Post provides a useful look back at 30 years of the outstanding achievements of the AAAS science policy program.

[From the Washington Post, Sept. 18, 2003]

BRIDGING THIS GAP ISN'T ROCKET SCIENCE

(By Rick Weiss)

In his famous 1959 treatise "The Two Cultures," British scientist and novelist C.P. Snow decried the divide between scientists and "literary intellectuals," warning that society's problems will remain largely intractable as long as scientists eschew Shakespeare and literary types remain ignorant about the second law of thermodynamics.

Washington has its own version of that cultural divide—this one involving scientists and politicians. How can the nation craft policies in such scientifically complex areas as embryonic stem cell research, global warming, agricultural biotechnology and "Star Wars" missile defense, experts in both camps moan, when so many politicians know so little about science and most scientists remain so clueless about how policy is made?

Enter the AAAS Science and Technology Fellows Program, a little-known but influential cultural exchange that serves as a wormhole between the largely alien universes of science and politics.

The program—coordinated by the American Association for the Advancement of Science, the nation's largest general science organization and publisher of the research journal Science—places about 60 PhD scientists in congressional and executive branch offices each fall for one-year stints. Celebrating its 30th anniversary this week, the program gives scientists a chance to explore the world of policy and politics while allowing lawmakers and administration officials to take advantage of the fellows' well-wired brains.

Scientists learn about a kind of sausage-making that never came up in their PhD food chemistry courses and bureaucrats get reminded that the universe cannot run on hot air alone.

Sometimes there is even a profound synthesis. In at least one case, involving a psychology fellow and a Treasury official, the cross-pollination between science and politics got so personal as to culminate in matrimony.

But perhaps the best measure of the program's success is the ubiquity of former fellows inside the Beltway today. Ten of about 50 staff members on the House Science Committee—including the committee's deputy chief of staff—are former fellows, as is one member of Congress: Rep. Rush D. Holt (D–N.J.). Other former fellows include the deputy director of the Department of Homeland Security's Advanced Research Projects Agency; the new chief science adviser at the State Department; and the deputy associate director of technology at the White House Office of Science and Technology Policy. Perhaps no fellow is as appreciative of the program as psychologist Karen Kovacs North, now assistant dean for the School of Public Policy and Social Research at the University of California at Los Angeles. She met her husband in 1994 while on her AAAS stint in the office of Rep. Edward J. Markey (D–Mass.).

"We met banning Chinese assault weapons," she said.

Specifically, she first got Erik North, a Treasury official, in her cross hairs when he and some colleagues went to Markey's office to work with her on the wording of the pending Clinton importation ban.

"They came over with a bunch of guns and it scared the hell out of me," Kovacs North recalled. After months of work together, with the ban written and passed, it was dinner for two, long talks into the night "and the rest," Kovac North said, "is Hollywood history."

They married in Malibu, Calif., in 1997. C.P. Snow would have cried with happiness.

Mr. STARK. Mr. Speaker, I rise in support of H. Con. Res. 279 that recognizes the 30th anniversary of the American Association for the Advancement of Science (AAAS) Congressional Science and Engineering Fellowship Program.

Each year, this fine program brings to Capitol Hill talented individuals representing the natural, physical, and social sciences and all fields of engineering. Since its inception in 1973, over 800 AAAS Fellows have participated in this year-long experience in Congress.

This program is a remarkable partnership between Congress and the 30 or so participating professional societies that select and fund the Fellows. At no cost to Congress, these Fellows offer their substantial expertise and experience to various personal offices and committees in return for the opportunity to be immersed in the legislative process.

I have been fortunate enough to work with many AAAS fellows over my Congressional career. Without exception, they have been valuable additions to my staff. I especially appreciate the real world perspective they bring to us. While I've legislated in health care for several decades, I've never been trained in any of the health care disciplines. Having professionals on my staff who can provide that expertise has proved extremely beneficial and has probably helped keep well meant, but poorly designed legislation from becoming law on more than one occasion.

In my office, a fellow is treated exactly as other members of my staff. They have issue areas of expertise and perform all of the duties necessary to move those issues forward. Fellows have performed many tasks. One initiated innovative legislation to update Medicare's mental health coverage—which we are still attempting to enact years later. A more recent fellow developed legislation to restructure the Individuals with Disabilities Act so that we could meet our federal commitment to fully fund the education of students with disabilities. I could go on and on with examples of their contributions. The AAAS fellows in my office are always focused on health policy and are often psychologists. I know I speak for myself and many other members of my staff in saying that we have found that background useful personally as well as professionally.

The AAAS Fellowship program is a shining example of a collaborative program that benefits all whom participate. The fellows get a strong understanding of the legislative process and Congress gets the benefit of someone with real world expertise in areas in which we legislate.

I want to commend the AAAS for establishing this program and providing the infrastructure and organization that helps maintain its excellence. This program brings much needed scientific expertise to the halls of Congress and helps develop a cadre of scientific

professionals knowledgeable about public policy and the legislative process. I look forward to continuing to work with AAAS fellows. Over the years, they have become an integral part of my staff. Thanks again to AAAS for maintaining this valuable resource for Congress.

Mr. BOEHLERT. Mr. Speaker, I rise today in support of H. Con. Res. 279, recognizing the significance of the 30th anniversary of the American Association for the Advancement of Science Congressional Science and Engineering Fellowship Program. I congratulate Mr. EHLERS for introducing it.

The AAAS has literally incalculable contributions to this institution and the nation. It has enabled scientists to have a better understanding of the governing process—both the fellows themselves and scientists with whom they interact—and it has improved the governing process by enabling Congressional offices to better understand scientific information and scientists.

The fellows program has also been an entry point for many of the best staff we have on Capitol Hill. We recognize the value of the AAAS program daily on the Science Committee, where ten of our staff members began their careers on the Hill as fellows. To take just three prominent examples, the minority chief of staff, Bob Palmer, and both my deputy chiefs of staffs, John Mimikakis and Peter Rooney, were AAAS fellows. Hopefully everyone will view that as an advertisement for the program.

I look forward to the speedy passage of this resolution and to the continued success of the AAAS program of the fellows themselves.

Mr. EHLERS. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. SCHROCK). The question is on the motion offered by the gentleman from Michigan (Mr. EHLERS) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 279.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

FEDERAL EMPLOYEE STUDENT LOAN ASSISTANCE ACT

Mrs. JO ANN DAVIS of Virginia. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 926) to amend section 5379 of title 5, United States Code, to increase the annual and aggregate limits on student loan repayments by Federal agencies

The Clerk read as follows:

S. 926

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Federal Employee Student Loan Assistance Act''.

SEC. 2. STUDENT LOAN REPAYMENTS.

Section 5379(b)(2) of title 5, United States Code, is amended—

(1) in subparagraph (A), by striking ''$6,000'' and inserting ''$10,000''; and

(2) in subparagraph (B), by striking ''$40,000'' and inserting ''$60,000''.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Virginia (Mrs. JO ANN DAVIS) and the gentleman from Illinois (Mr. DAVIS) each will control 20 minutes.

The Chair recognizes the gentlewoman from Virginia (Mrs. JO ANN DAVIS).

GENERAL LEAVE

Mrs. JO ANN DAVIS of Virginia. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on S. 926.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Virginia?

There was no objection.

Mrs. JO ANN DAVIS of Virginia. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today to speak in favor of S. 926, a bill introduced by my colleague, Senator VOINOVICH, to increase the annual and total limits of student loan repayments by executive branch agencies.

This is identical to a bill that I introduced on the House side, H.R. 3080. We are considering the Senate version of this bill, the Federal Employee Student Loan Assistance Act, which has already passed that Chamber in an effort to speed up approval of this important piece of legislation.

I want to thank the leadership for bringing this matter to the floor today. As the chairwoman of the Subcommittee on Civil Service, Census and Agency Organization of the Committee on Government Reform, I have raised the same questions at many of our hearings this year: How do we attract the most qualified people to government service and how do we keep them once they have started?

Recruiting, retraining, and rewarding talented and hardworking individuals are at the very core of making our civil service the best that it can be. Very clearly, having the ability to tell potential recruits, come work for the United States Government and we can help you repay your student loans, is an extremely valuable tool.

All of us are surely aware of how expensive a college or graduate-level education is. And it is the prospect of these daunting student loans, $50,000, $75,000, or even more than $100,000, that can prevent public service-minded people from coming to work for the government. They simply cannot afford it.

Student loan repayment is at the top of the list for newly graduated students looking for jobs. To keep up with the higher salaries of the private sector and nonprofit organizations, the Federal Government must have an effective student loan repayment program. This legislation before us today raises the annual maximum amount that agencies could give towards student loan repayment, from $6,000 a year to $10,000 a year. It also raises the total amount an agency can contribute toward an individual's loan, from $40,000 to $60,000. These changes reflect the increases in annual college tuition costs since the Federal Government's original Student Loan Repayment Bill was enacted in 1991.

All funds to pay for the repayment program come out of the agencies' own budgets, so this legislation has no negative impact on the current budget. It is the right thing to do and something that we must do in order to remain competitive in the job market. I strongly urge my colleagues to pass the Federal Employee Student Loan Assistance Act before us today.

Mr. Speaker, I reserve the balance of my time.

Mr. DAVIS of Illinois. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, rising tuition rates force families to borrow thousands of dollars to fund their children's college education. The debt that these families and new graduates face after graduation is daunting. The majority of college students today will have more loans over $20,000 by the time they graduate. Public and private employees who administer programs that could help employees reduce their college loan costs have a valuable recruitment and retention tool. The Federal Student Loan Program permits Federal agencies to repay federally insured student loans as a tool to attract or retain highly qualified employees.

Under current law, agencies may authorize a student loan repayment of up to $6,000 for an employee in any year and up to a lifetime limit of $40,000. An employee receiving this benefit must sign a service agreement to remain in the service of the paying agency for at least 3 years. If an employee leaves the agency before that time, he or she must reimburse the agency for the loan repayment. S. 926, the Federal Employee Student Loan Assistance Act, will increase the allowed annual loan repayment from $6,000 to $10,000 and the allowed life-time loan repayment allowed from $40,000 to $60,000. The increases reflect the rising college tuition costs since enactment of the original statute in 1991.

Several agencies have reported that the use of program has helped them achieve their recruitment and retention goals. However, the program is generally underutilized due to lack of agency funding caused by limited budgets. If government service is to become a viable and attractive option for college graduates and talented employees, the Federal Government must use all the tools and resources at its disposal to attract and retain these individuals. S. 926 is a step in the right direction; but without funding and without aggressive use of this and similar programs to promote Federal civil service,

the Federal Government will be left behind in the competition for top talents.

Mr. Speaker, I strongly support this legislation.

Mr. CUMMINGS. Mr. Speaker, I rise today in support of S. 926, the ''Federal Employee Student Loan Assistance Act,'' which will increase the annual and aggregate limits on student loan repayments by Federal agencies.

Many federal employees have undergraduate and graduate degrees, and due to the rising cost of higher education, most of these employees have incurred student loans with hefty payments. Many talented graduates are interested in federal employment, but due to loan repayment burdens, they are unable to seriously consider federal employment. In order to remain competitive with private agencies that offer higher salaries, the federal government must continue to offer additional incentives, such as loan repayment programs.

As tuition costs continue to rise yearly, we must factor this into the existing loan repayment program for federal employees. This bill, which will cost less than $500,000 per year, will have a significant impact on both current and potential federal employees who are burdened with outstanding student loans. Increasing the yearly and total amounts of loan repayment allotted to individual federal employees helps the federal government to attract the best and the brightest employees, those who might otherwise opt out for higher salaries in the private sector.

This is a good bill, and I urge all of my colleagues to support S. 926, the ''Federal Employee Student Loan Assistance Act,'' which will not only help to recruit quality federal employees, but will also encourage longevity and retention of these very same employees. These programs also serve as an excellent model for all employers, both public and private.

Mr. TOM DAVIS of Virginia. Mr. Speaker, S. 926, the Federal Employee Student Loan Assistance Act, would raise the annual and aggregate amounts that federal agencies can offer a qualified employee to assist in repaying a student loan. This legislation would raise the annual repayment amount for an employee from $6,000 to $10,000, and the aggregate repayment amount from $40,000 to $60,000.

The purpose of raising the annual and aggregate repayment caps is two-fold. First, higher education tuition costs have increased dramatically in recent years and are considerably higher than they were when the original statute was passed on November 5, 1990. Second, as the federal government works to recruit and retain the best and the brightest, an attractive student loan repayment program should be an effective recruitment tool to help government agencies compete with the private sector.

I would like to commend the Senate sponsors of this legislation for introducing this important legislation, and I would also like to commend the House Civil Service Subcommittee Chairwoman for introducing companion legislation in the House.

I urge all Members to support S. 926.

Mr. DAVIS of Illinois. Mr. Speaker, I yield back the balance of my time.

Mrs. JO ANN DAVIS of Virginia. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

□ 1530

The SPEAKER pro tempore (Mr. SCHROCK). The question is on the motion offered by the gentlewoman from Virginia (Mrs. JO ANN DAVIS) that the House suspend the rules and pass the Senate bill, S. 926.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate bill was passed.

A motion to reconsider was laid on the table.

DAVID BYBEE POST OFFICE BUILDING

Mrs. JO ANN DAVIS of Virginia. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2744) to designate the facility of the United States Postal Service located at 514 17th Street in Moline, Illinois, as the ''David Bybee Post Office Building''.

The Clerk read as follows:

H.R. 2744

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DAVID BYBEE POST OFFICE BUILDING.

(a) DESIGNATION.—The facility of the United States Postal Service located at 514 17th Street in Moline, Illinois, shall be known and designated as the ''David Bybee Post Office Building''.

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the David Bybee Post Office Building.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Virginia (Mrs. JO ANN DAVIS) and the gentleman from Illinois (Mr. DAVIS) each will control 20 minutes.

The Chair recognizes the gentlewoman from Virginia (Mrs. JO ANN DAVIS).

GENERAL LEAVE

Mrs. JO ANN DAVIS of Virginia. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Virginia?

There was no objection.

Mrs. JO ANN DAVIS of Virginia. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, my esteemed colleague, the gentleman from Illinois (Mr. EVANS), introduced H.R. 2744, a bill that honors the life of a diligent and admired member of the U.S. Postal Service family, David Bybee. Mr. Bybee served the Postal Service for 33 years as a letter carrier in Moline, Illinois. He was an active member of the National Association of Letter Carriers, representing thousands of postal employees in Illinois as the NALC's National Business Agent for the Chicago area. Away from work, Mr. Bybee was a fire chief, school board member, Elks Club member, and he enjoyed, most of all, spending as much time as he could with his family.

Mr. Speaker, David Bybee sadly passed away on May 31, 2002. He is survived by his wife, Judy; his two sons, Michael and John; his mother, Marilla; his brother, Richard; and three grandchildren, Ryan, Brandon and Jennifer. I want to join with the gentleman from Illinois to offer the best wishes of this House to the family of David Bybee.

Mr. Speaker, I want to express gratitude to the gentleman from Illinois (Mr. EVANS) for his valuable work on H.R. 2744, and I urge all Members to support its passage.

Mr. Speaker, I reserve the balance of my time.

Mr. DAVIS of Illinois. Mr. Speaker, I yield myself such time as I might consume.

As a member of the Committee on Government Reform, I rise in support of H.R. 2744, legislation naming a postal facility located at 514 17th Street in Moline, Illinois, after David Bybee. H.R. 2744, introduced by the gentleman from Illinois (Mr. EVANS) on July 15, 2003, was unanimously approved by our committee on October 8, 2003. The bill has met the Committee on Government Reform policy and has the support and cosponsorship of the entire Illinois State delegation.

Mr. David Bybee began his career with the Postal Service as a letter carrier. He was later elected president of the Letter Carriers Local 318. Mr. Bybee worked as the National Association of Letter Carriers' National Business Agent in Chicago, Region 3, for the last 25 years of his service, and in September of 2000, he retired after 33 years of working at the Moline Post Office.

A family man, David Bybee was active in the union and in his community. He served as a vice president of the Illinois AFL–CIO, was a fire chief, school board member and active in the Moline Elks Club. Sadly, he passed away on May 31, 2002.

Mr. Speaker, I commend my colleague for seeking to honor the legacy of David Bybee and urge the swift adoption of this resolution.

Mr. Speaker, I yield such time as he might consume to the gentleman from Illinois (Mr. EVANS).

Mr. EVANS. Mr. Speaker, I rise in support of H.R. 2744, designating the post office in Moline, Illinois, after my good friend Dave Bybee, who passed away in May of last year.

Dave served as a letter carrier and union leader for 33 years within the very building I seek to name after him. He became a letter carrier for the postal service in 1967, and after only 2 years on the job, was elected president of Letter Carriers Local 318.

Dave Bybee held various positions within the Illinois State Letter Carriers Association from 1971 to 1977. He was elected National Business Agent for the National Association for Letter

Carriers for the entire Chicago region in 1980. He held this position and also served as vice president of the AFL–CIO until his untimely death on May 31, 2002.

Dave worked hard on behalf of America's letter carriers, traveled thousands of miles to fight for them and advocate for their interests. He was well respected by retirees, who knew they had a good friend fighting for their interests and benefits.

Dave Bybee's dedication to his fellow workers did not interfere with his devotion to his wife and two sons, Michael and John. In addition to a full and rewarding family life, he also found time to serve his community as the fire chief of Carbon Cliff and as a school board member, and to remain active on the Moline Elks Club. He had a wonderful sense of humor; and no matter how tired he was from work and travel, he could always manage to make any group he was visiting or speaking to laugh and smile. When he passed away, letter carriers and postal officials from across the State and the Nation traveled to pay their respects to Dave Bybee.

Mr. Speaker, I am proud to sponsor this legislation in honor of Dave Bybee, a nationally known letter carrier, who served not only his fellow workers but also his community and friends. It is my hope his name will forever be identified within the institution to which he dedicated so much time and energy. I urge my colleagues to support H.R. 2744, to rename the U.S. post office in Moline, Illinois, after my good friend, Dave Bybee.

Mr. Speaker, today we will address legislation to name the United States Post Office at 514 17th Street in Moline, Illinois after my friend, David Bybee, who passed away in May of last year.

Dave Bybee served as a letter carrier and union leader for 33 years within the very building I seek to name after him. It is my hope that his name will forever be identified with the institution to which he dedicated so much time and effort.

Dave became a letter carrier for the Postal Service in 1967 and after only two years on the job was elected President of Letter Carriers Local 318. He then became the Regional Administrative Assistant and concurrently the Secretary to the Illinois State Association of Letter Carriers from 1971 to 1977. In 1980, Mr. Bybee was elected the National Business Agent to the National Association of Letter Carriers for the 17,000 strong Chicago Region. He held that office and concurrently served as a Vice President of the Illinois AFL–CIO until his death on May 31, 2002.

Dave worked tirelessly on behalf of Illinois' letter carriers, traveling thousands of miles in Illinois and across the nation to represent them. Dave was also well-respected by retirees, who knew they had a good friend and leader fighting for their benefits. In 1992, recognizing Dave's hard work and lifetime of dedication, the building housing Letter Carriers Local 318 was named the David M. Bybee Branch of the National Association of Letter Carriers in his honor.

David Bybee was also civically active, and had many friends within the Illinois Congressional delegation and state legislature on both sides of the aisle. He served as a member of the Electoral College in two national elections.

His dedication to his fellow workers did not interfere with his devotion to his wife, Judy, and their two sons, Michael and John. In addition to a full and rewarding family life, he still found time to serve his community as the fire chief of Carbon Cliff and as a school board member, and remain active in the Moline Elks Club.

Dave had a wonderful sense of humor and no matter how tired he was from work and travel, he could always manage to make any group he was visiting or speaking to laugh and smile. When he passed away, letter carriers and postal officials from all over the state and nation traveled to Moline to pay their respects.

Mr. Speaker, I am proud to sponsor this legislation in honor of David Bybee, a national labor leader who served not only his fellow workers, but also his community and family. I urge my colleagues to support H.R. 2744, to rename the U.S. Post Office in Moline, Illinois after my friend David Bybee.

Mr. DAVIS of Illinois. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mrs. JO ANN DAVIS of Virginia. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Virginia (Mrs. JO ANN DAVIS) that the House suspend the rules and pass the bill, H.R. 2744.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

RICHARD D. WATKINS POST OFFICE BUILDING

Mrs. JO ANN DAVIS of Virginia. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3175) to designate the facility of the United States Postal Service located at 2650 Cleveland Avenue, NW in Canton, Ohio, as the ''Richard D. Watkins Post Office Building''.

The Clerk read as follows:

H.R. 3175

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. RICHARD D. WATKINS POST OFFICE BUILDING.

(a) DESIGNATION.—The facility of the United States Postal Service located at 2650 Cleveland Avenue, NW in Canton, Ohio, shall be known and designated as the ''Richard D. Watkins Post Office Building''.

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the Richard D. Watkins Post Office Building.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Virginia (Mrs. JO ANN DAVIS) and the gentleman from Illinois (Mr. DAVIS) each will control 20 minutes.

The Chair recognizes the gentlewoman from Virginia (Mrs. JO ANN DAVIS).

GENERAL LEAVE

Mrs. JO ANN DAVIS of Virginia. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Virginia?

There was no objection.

Mrs. JO ANN DAVIS of Virginia. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, on behalf of the Committee on Government Reform, I am pleased that the House is considering H.R. 3175. This legislation, sponsored by my distinguished colleague from the State of Ohio (Mr. REGULA), names this post office in Canton, Ohio, as the Richard D. Watkins Post Office Building. The entire delegation from the State of Ohio has cosponsored the bill.

Mr. Speaker, Mayor Richard Watkins is a devoted public official who is retiring next month after 12 years as the chief executive of Canton, Ohio. His contributions to the people of east central Ohio are immeasurable, and this post office would be a deserved tribute to Mayor Watkins' service.

Mr. Speaker, I commend the gentleman from Ohio for introducing this legislation, and I urge all Members to support the passage of H.R. 3175.

Mr. Speaker, I reserve the balance of my time.

Mr. DAVIS of Illinois. Mr. Speaker, I yield myself such time as I might consume.

As a member of the House Committee on Government Reform, I am pleased to rise in support of H.R. 3175, legislation naming a postal facility located at 2650 Cleveland Avenue, NW, in Canton, Ohio, after Richard D. Watkins.

H.R. 3175, introduced by the gentleman from Ohio (Mr. REGULA) on September 24, 2003, was unanimously approved by our committee on October 8, 2003. The measure has met the Committee on Government Reform policy and has the support and cosponsorship of the entire Ohio delegation.

Mr. Watkins, a lifelong resident of Canton, was born in 1930. He attended local schools and after college served in the United States Marine Corps. After serving his country, he returned to Canton and began an impressive career in public service. Richard Watkins was elected to the Canton City Council for six terms and served two terms as Stark County Commissioner. He was elected mayor in November of 1991 and reelected in 1995 and 1999.

In addition to public service, Richard Watkins was dedicated to a host of community service projects. He worked with the Boy Scouts, serving on their advisory board. He was a member of the National League of Cities, Urban Policy Committee, president of the Belle Stone Elementary School PTA and formed the Canton Community Clinic, a free health care facility which provides medical and dental care to thousands of people in need.

Mr. Watkins has also been very involved in local transportation and infrastructure projects and economic development.

I commend my colleagues for seeking to honor the accomplishments of Richard D. Watkins by naming a postal facility in his hometown of Canton, Ohio, and I urge swift passage of H.R. 3175.

Mr. Speaker, I yield back the balance of my time.

Mrs. JO ANN DAVIS of Virginia. Mr. Speaker, I yield as much time as he may consume to the distinguished gentleman from Ohio (Mr. REGULA), the sponsor of H.R. 3175.

(Mr. REGULA asked and was given permission to revise and extend his remarks.)

Mr. REGULA. Mr. Speaker, I thank the gentlewoman for yielding me the time.

Richard Watkins has left a great legacy of public service in our community, public service that had many dimensions, as was outlined by the gentleman from Illinois (Mr. DAVIS). I think that he deserves a lot of credit for the great work that he has done in our community, and this would be a fitting tribute to his career.

He is completing 12 years as mayor of what we know as the Hall of Fame city. Canton, Ohio, has the Football Hall of Fame, and in that capacity he accomplished many things that are beneficial to people.

Mr. Watkins has always been sensitive to the type of leadership that cares about people. I think perhaps the best example were his efforts to establish the Canton Community Clinic. This is a free health care facility. It has been in operation since 1994, and it has served over 35,000 people in that time. This is a beacon light of help to many people who otherwise would not have access to health services.

In addition, he developed what is known as Cornerstone Square. This is a social services campus, kind of a ''one-stop'' for people that need help. The Ohio Bureau of Workmens' Compensation is there, the Industrial Commission of Ohio and the Ohio Bureau of Employment Services. So those that need assistance in these areas can go there and find help, and I think his leadership in getting that accomplished was great. And it is so important because it has not only provided these services in a central place, but it also provided a facility in part of the city that needed rehabilitation.

He has worked on a number of things in the revitalization of downtown Canton. Big cities have a challenge these days, and Mayor Watkins has addressed that challenge and provided a worthwhile legacy for those that he represents. The aesthetic appeal of downtown Canton has been immeasurably enhanced by his actions as the mayor, and this would be a fitting tribute to an individual who has served the public well, who has provided a legacy for others to benefit and also has provided leadership that will inspire others to public service.

He was also, as has been mentioned before, a member of the Marine Corps, and I know for some Members that is a very substantial endorsement, and so I would urge the Members to support this legislation and give this fitting honor of naming the Cleveland Ave. Post Office, city of Canton, Ohio, for the retiring mayor of Canton, Ohio, Richard D. Watkins.

Mrs. JO ANN DAVIS of Virginia. Mr. Speaker, I have no other speakers, and I commend the gentleman from Ohio for working on such a meaningful piece of legislation.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Virginia (Mrs. JO ANN DAVIS) that the House suspend the rules and pass the bill, H.R. 3175.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

BEN R. GEROW POST OFFICE BUILDING

Mrs. JO ANN DAVIS of Virginia. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3234) to designate the facility of the United States Postal Service located at 14 Chestnut Street in Liberty, New York, as the ''Ben R. Gerow Post Office Building''.

The Clerk read as follows:

H.R. 3234

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. BEN R. GEROW POST OFFICE BUILDING.

(a) DESIGNATION.—The facility of the United States Postal Service located at 14 Chestnut Street in Liberty, New York, shall be known and designated as the ''Ben R. Gerow Post Office Building''.

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the Ben R. Gerow Post Office Building.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Virginia (Mrs. JO ANN DAVIS) and the gentleman from Illinois (Mr. DAVIS) each will control 20 minutes.

The Chair recognizes the gentlewoman from Virginia (Mrs. JO ANN DAVIS).

GENERAL LEAVE

Mrs. JO ANN DAVIS of Virginia. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Virginia?

There was no objection.

Mrs. JO ANN DAVIS of Virginia. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 3234, introduced by the gentleman from New York (Mr. HINCHEY) designates this U.S. Postal Service facility in Liberty, New York, as the Ben R. Gerow Post Office Building.

□ 1545

All members of the New York State delegation have signed onto this legislation.

Mr. Speaker, Ben Gerow spent his entire life living, working, and serving in the town of Liberty in the Catskill Mountains of southeastern New York State. Mr. Gerow was a respected State assemblyman, sheriff, firefighter, and businessman.

Ben Gerow made a comfortable living for 30 years as owner and operator of his own automobile service station. He retired from his business at age 50 and entered the race for sheriff of Sullivan County, which he won. Three years later, he won another election, this time to a seat in the New York State Assembly. After serving a 1-year term in the legislature, President Franklin Delano Roosevelt selected him to be postmaster of the post office in Liberty, New York, where he served for 12 years.

Ben Gerow passed away in 1961 at the age of 81. Passage of this meaningful bill will fittingly rename the post office in Liberty after Ben Gerow, the very post office at which he served as postmaster. Mr. Speaker, for all these reasons, I congratulate the gentleman from New York (Mr. HINCHEY) for his efforts in shepherding H.R. 3234 to the floor, and I commend him for honoring Ben Gerow.

Mr. Speaker, I reserve the balance of my time.

Mr. DAVIS of Illinois. Mr. Speaker, I yield myself such time as I may consume.

As a member of the House Committee on Government Reform, I am pleased to join the gentlewoman from Virginia in rising in support of H.R. 3234, legislation naming the postal facility located at 14 Chestnut Street in Liberty, New York, after Ben Gerow.

H.R. 3234 was introduced by the gentleman from New York (Mr. HINCHEY) on October 2, 2003. The bill has met the Committee on Government Reform's policy and has the support and cosponsorship of the entire New York delegation.

A lifelong resident of Liberty, New York, Ben Gerow was a successful businessman and politician. He owned a garage, operated a Cadillac dealership and tire business, and was a firefighter. He later served as county sheriff and in the New York State Assembly. In 1934, President Franklin D. Roosevelt appointed Mr. Gerow postmaster of the Liberty post office.

Mr. Speaker, I commend my colleague, the gentleman from New York (Mr. HINCHEY), for seeking to recognize the legacy of Postmaster Ben Gerow by naming the Liberty post office in his honor. It is interesting to note that

this measure has been endorsed by a host of Liberty community leaders and organizations, including the village mayor, local chamber of commerce, and residents. I would urge swift adoption of this resolution.

Mr. Speaker, I reserve the balance of my time.

Mrs. JO ANN DAVIS of Virginia. Mr. Speaker, I reserve the balance of my time.

Mr. DAVIS of Illinois. Mr. Speaker, I yield such time as he may consume to the gentleman from New York (Mr. HINCHEY), the author of this legislation.

Mr. HINCHEY. Mr. Speaker, I want to express my appreciation to the Committee on Government Reform for bringing this bill to the floor so expeditiously. I also want to express my thanks to the gentleman from Illinois (Mr. DAVIS), who is managing the Democratic time, and the gentlewoman from Virginia (Mrs. JO ANN DAVIS), who is managing the time for the majority.

I also wish to express my thanks to the elected officials, civic organizations, and individuals in Liberty and Sullivan County, New York, for recommending and endorsing this legislation; as well as the family of Ben Gerow for providing photographs, newspaper articles, and detailed biographical information; and, finally, to the current postmaster in Liberty, New York, Gene DeCarlo, for his assistance.

It is a testament to Ben Gerow's significant contribution to Liberty that there is such overwhelming support in the local community for naming this post office in his honor. There is a true groundswell of support for this legislation. It is endorsed by Liberty community leaders and organizations locally, including the town of Liberty Democratic and Republican Committees, the town of Liberty and the Village of Liberty Boards, the village mayor, the Sullivan County Historical Society, the Greater Liberty Chamber of Commerce, and many Liberty residents and others in Sullivan County who have signed petitions.

Ben Gerow was born in Liberty, New York, in 1880, and died in 1961 at the age of 81. He lived virtually his entire life in Liberty, New York, where he was a pioneer of the automobile age who became a county sheriff, member of the New York State legislature, and a postmaster.

Ben Gerow was involved in the automobile business for 30 years. He was the first man in Liberty to own a gasoline-fueled car. He owned and operated one of the best-known businesses in Sullivan County, Gerow's Garage Machine Shop and Supply Store. He was the first Cadillac dealer in Sullivan County and also sold Fords, Dodges, and owned a rubber tire business. He was a lifelong firefighter as a member and president of the Liberty Hose and Truck Company No. 20.

Legend has it that Ben Gerow was an instrumental coconspirator in the introduction of the first motorized fire truck in Liberty and all of Sullivan County. With a few chosen friends, he got hold of an automobile chassis and a motor, refurbished and repainted it, and outfitted it with the hose and other firefighting equipment. Then one of his crew set fire to a bunch of orange crates, and Ben's motorized equipment whizzed by the firefighters from companies number one and three who were carrying their heavy hose carts by hand. This carefully staged incident reportedly ended the era of man-powered fire trucks in Liberty and in Sullivan County generally.

Ben Gerow was an active civic leader: a founding member of the Liberty Elks Lodge, a member of the Mongaup Lodge, and Free and Accepted Masons, and the Independent Order of Odd Fellows.

In addition to being a successful businessman, community leader, and honorable public servant, Ben Gerow was married to Angeline Wheeler for 61 years. Together, they raised 14 children in one of Liberty's largest families. It is notable that five of their sons served in World War II all at the same time. Overall, these two wonderful people had 65 descendents, including 34 grandchildren and 17 great grandchildren.

At the age of 50, Ben Gerow retired from business and entered politics, a natural transition, given that he is said to have been known by virtually every member of the population in Sullivan County. A lifelong Democrat, he was elected Sullivan County sheriff in 1930 and then elected to a 1-year term in the New York State Assembly in 1933. He was appointed postmaster to the Liberty post office by President Franklin D. Roosevelt in 1934, and he served in that position for 12 years.

Under Mr. Gerow's administration, the current Liberty post office building was sited and built as a Works Progress Administration project. Given his many accomplishments and contributions to Liberty, naming the Liberty post office in honor of Ben Gerow nearly 60 years after he retired from his long tenure as postmaster is clearly fitting, it is appropriate, and, one might say, long overdue.

Mr. DAVIS of Illinois. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mrs. JO ANN DAVIS of Virginia. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. SCHROCK). The question is on the motion offered by the gentlewoman from Virginia (Mrs. JO ANN DAVIS) that the House suspend the rules and pass the bill, H.R. 3234.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

EXPRESSING GRATITUDE TO MEMBERS OF U.S. ARMED FORCES DEPLOYED IN OPERATION RESTORE HOPE IN SOMALIA IN 1993

Mr. MCHUGH. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 291) expressing deep gratitude for the valor and commitment of the members of the United States Armed Forces who were deployed in Operation Restore Hope to provide humanitarian assistance to the people of Somalia in 1993.

The Clerk read as follows:

H. CON. RES. 291

Whereas October 3, 2003, marks the 10th anniversary of the major battle in the United States operation to capture key members of the Somali National Alliance led by the terrorist warlord, Mohammed Farah Aidid, in Mogadishu, Somalia;

Whereas Task Force Ranger, which led the assault, was composed of Army Special Forces, Navy SEALs, Army special operations helicopter forces, and Air Force Special Tactics personnel;

Whereas 16 special operations personnel assigned to Task Force Ranger were killed, and another 83 wounded, during one of the most intense and lethal firefights in modern history;

Whereas two of those killed, Master Sergeant Gary I. Gordon and Sergeant First Class Randall D. Shughart, were posthumously awarded the Medal of Honor for actions above and beyond the call of duty;

Whereas soldiers of the 2nd Battalion, 14th Infantry Regiment, 10th Mountain Division, provided a quick reaction force in support of the combat operation;

Whereas two soldiers of the 10th Mountain Division were killed, and another 28 wounded, while supporting the special operations forces of Task Force Ranger; and

Whereas the valiant efforts of the soldiers, sailors, airmen, and Marines who were deployed in Operation Restore Hope significantly contributed to the war against terrorism and oppression: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That the Congress—

(1) expresses deep gratitude for the valor and commitment of the members of the United States Armed Forces who were deployed in Operation Restore Hope to provide humanitarian assistance to the people of Somalia in 1993;

(2) recognizes those members, many of whom were killed or severely wounded in direct combat, who acquitted themselves with honor and courage in battle to restore freedom to an oppressed nation;

(3) honors the heroic service of the special operations forces assigned to Task Force Ranger and the soldiers of the 10th Mountain Division who supported them;

(4) extends condolences to the families and friends of those killed and wounded in Operation Restore Hope; and

(5) encourages the American people to remember the sacrifices of those who served.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York (Mr. MCHUGH) and the gentlewoman from California (Mrs. DAVIS) each will control 20 minutes.

The Chair recognizes the gentleman from New York (Mr. MCHUGH).

GENERAL LEAVE

Mr. MCHUGH. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within

which to revise and extend their remarks on H. Con. Res. 291, the concurrent resolution under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. MCHUGH. Mr. Speaker, I yield myself such time as I may consume, and I do have a statement that I wish to make; but I want to begin by first yielding to the author of this resolution, a gentleman with whom I have had the honor and the opportunity and the pleasure to work both as a member of the Committee on Armed Services and also as a colleague who I know cares very deeply about the sacrifices and the commitments that our men and women in the military make as well as their families; and I want to thank him for his leadership and his observance over this very timely resolution and this very important anniversary date.

Mr. Speaker, I yield such time as he may consume to the gentleman from North Carolina (Mr. HAYES).

(Mr. HAYES asked and was given permission to revise and extend his remarks, and include extraneous material.)

Mr. HAYES. Mr. Speaker, I thank the chairman for yielding me this time, and I appreciate the persistence with which he pursues his duties on the Committee on Armed Services, or more particularly the Subcommittee on Total Force, or personnel, as we know it more intimately.

Mr. Speaker, just 10 years ago, on October 3, 1993, 18 U.S. servicemen were killed and another 111 wounded in Operation Restore Hope. Often known by Mark Bowden's book and screenplay ''Black Hawk Down,'' this was the major battle of the United States operation to capture key members of the Somalia National Alliance led by terrorist warlord Mohammed Farah Aided in Mogadishu, Somalia. Task Force Ranger, which led the assault, was composed of Army Special Forces, Navy SEALS, Army Special Operations Helicopter Forces, and Air Force Special Tactics personnel. Soldiers of the 2nd Battalion, 14th Infantry Regiment of the 10th Mountain Division supported the lead units as well.

For their heroic and valiant deeds, Master Sergeant Gary Gordon and Sergeant First Class Randall Shughart were posthumously awarded the Medal of Honor. Today, it is only right and proper that we take a moment to express our deep gratitude for the valor and commitment of the members of the United States Armed Forces who were deployed in Operation Restore Hope.

□ 1600

As we continue to fight and win the global war on terrorism and support our troops deployed abroad, we must also recognize those members of Operation Restore Hope. They served with honor, they served with courage in the battle and efforts to restore freedom to an oppressed nation. These men represent and embody the special and unique qualities that make America great.

We have the opportunity today to honor the heroic service of the Special Operations Forces assigned to Task Force Ranger and the soldiers of the 10th Mountain Division who supported the operation.

On behalf of a grateful Nation, I wish to also extend my sincere condolences to the families and friends of those killed and wounded in Operation Restore Hope. We must never forget the service and sacrifice of the members of the United States Armed Forces who were deployed in Operation Restore Hope. God bless these men and their families and loved ones, and may God bless America.

Mrs. DAVIS of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of the resolution introduced by the gentleman from North Carolina (Mr. HAYES). The resolution before us expresses our Nation's gratitude to those who served in the Armed Forces and were deployed in Operation Restore Hope to provide humanitarian assistance to the people of Somalia in 1993. What began as a humanitarian relief operation in December 1992 to distribute food supplies and prevent the starvation of thousands in Somalia, turned into one of the most intense and bloody battles for U.S. troops since the Vietnam War.

On October 3, 1993, Task Force Ranger, comprised of Army Special Forces, Navy SEALS, Army special operations helicopter forces and Air Force Special Tactics personnel, headed out that fateful morning to search and capture the Somali warlord Mohammed Farah Aidid. As the conflict began to escalate, the soldiers from the 10th Mountain Division provided additional quick reaction combat support for the 17-hour battle of Mogadishu.

That evening, Americans would watch the news in shock and horror as the bodies of American soldiers were dragged through the streets of Mogadishu that tragic day. Over 100 of our Nation's brave combatants were wounded. Eighteen warriors made the ultimate sacrifice, and two of those who died showed uncommon valor and courage and were awarded our Nation's highest honor, the Medal of Honor, and one became a prisoner of war.

Master Sergeant Gary Gordon and Sergeant First Class Randall Shughart were both posthumously awarded the Medal of Honor for their actions above and beyond the call of duty. Master Sergeant Gordon and Sergeant First Class Shughart volunteered to secure a helicopter crash site and protect its critically wounded crew, despite the intense gunfire and growing number of enemy personnel closing in. They embodied the bold courage and self-sacrifice of America's soldiers, and, ultimately, willingly gave their lives to protect their comrades in arms.

Chief Warrant Officer Mike Durant survived the helicopter crash and was pulled from the wreckage by Master Sergeant Gordon and Sergeant First Class Shughart. Chief Warrant Officer Durant was the only one to survive, and was captured by enemy forces. He was held nearly 2 weeks as a prisoner of war before being released.

This year marks the 10th anniversary of the battle of Mogadishu and Operation Restore Hope. I am very pleased to join with my colleagues from New York and North Carolina in recognizing the brave and courageous actions of the Special Forces and the soldiers of the 10th Mountain Division and members of the Armed Forces who were deployed in Operation Restore Hope. My thoughts and prayers go out to the families and friends of those who lost a loved one or were wounded in the battle of Mogadishu.

Mr. Speaker, I urge my colleagues to join me in expressing our appreciation to all those who volunteer to defend our Nation's freedom and to remember the sacrifices of all those who serve.

Mr. Speaker, I reserve the balance of my time.

Mr. MCHUGH. Mr. Speaker, I yield 2 minutes to the gentleman from Minnesota (Mr. KLINE), who knows what it means to wear the uniform of the United States of America, a former distinguished officer in the United States Marine Corps and a gentleman who, in a very short period of time, has distinguished himself as a very important member of the Committee on Armed Services and someone with whom I just had the opportunity, and to the extent possible, the happy occasion of traveling to Iraq with, the gentleman from Minnesota (Mr. KLINE).

Mr. KLINE. Mr. Speaker, I rise today to join my colleagues in commending the valor and commitment of the brave men and women who served in Operation Restore Hope in Somalia, and I thank the gentleman from North Carolina (Mr. HAYES) for authoring this important bill.

Mr. Speaker, this resolution is a great honor to these men and women, and we have an opportunity to offer a more meaningful tribute. The best way to honor the troops of Operation Restore Hope is to support the legacy of freedom they fought to preserve.

I am grateful for the opportunity to have served alongside some of the finest troops in the world when I was a commander of Marine Aviation Forces in Operation Restore Hope. The commitment of these men and women to our Nation and to the people of Somalia was exemplary.

Unfortunately, as we learned shortly after the battle of Mogadishu, civilian leadership of Operation Restore Hope did not share the commitment of our troops when the situation became difficult. Today, a decade later, the men and women of the United States Armed Forces again face a difficult challenge, this time in Operation Iraqi Freedom. As in Somalia, American forces have entered Iraq with the best of intentions, and this time, this time we must stay the course.

We commend the troops of Operation Restore Hope for their service as we pray for the safety of those who carry forth the proud tradition of committed service in Operation Iraqi Freedom.

Mrs. DAVIS of California. Madam Speaker, I reserve the balance of my time.

Mr. MCHUGH. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I did want to add a few words to those spoken so eloquently by my colleagues, and let me thank the gentlewoman from California (Mrs. DAVIS) for her management of this bill and, of course, for her great work as an esteemed member of the Committee on Armed Services, and also the ranking member, the gentleman from Arkansas (Mr. SNYDER), of the Subcommittee on Total Force, who is my partner on these issues. We are all part of a team that is very honored today to have this opportunity to present this very worthy, in my estimation, resolution for consideration to the full House. Let me again thank the gentleman from North Carolina (Mr. HAYES) for his effort and leadership in bringing this measure to the floor at this time.

Certainly, there are many perspectives today with respect to Operation Restore Hope and the battle at Mogadishu, a great deal of debate as to what happened prior to, what happened during, and as the aftermath of that, from the small ''p'' political perspective; but I would like to believe, and in fact I do believe, very strongly that there is absolutely no debate, no controversy with respect to what happened in Somalia and what happened during the battle of Mogadishu with respect to the incredibly brave and incredibly effective service of those members of our Armed Forces who were there as part of Operation Restore Hope. They were there for one reason. They were there to try to make a country safe for international relief organizations to administer humanitarian assistance.

When those same members who were there for the most peaceful of reasons were called into combat, they fought with incredible honor and skill, and as we have heard here this afternoon, incredible courage.

I do have somewhat of a personal stake in this resolution, Madam Speaker. I was very pleased to hear all of my colleagues speak very graciously about the contributions and sacrifices of the 10th Mountain Division during that particular day, that particular battle. The 10th Mountain Division is deployed out of Fort Drum which is just outside of Watertown, New York, my hometown, and still part of my district back in the State of New York. And specifically, it was the soldiers of the 14th Infantry Regiment, the Golden Dragons, who manned the relief column that ended the Mogadishu fight. It was those same Fort Drum troops that fought through the city for some 12 hours while under continuous heavy fire to clear an evacuation route for the incredibly brave Army Rangers and Delta Force commandos who had been pinned down by forces loyal to the Somali warlord, Mohammed Farah Aidid that day.

During that battle, 18 heroes were killed in total, but two of those troops were from the 10th Mountain Division. Also, 28 were wounded. The two soldiers whose lives were lost that day were Sergeant Cornell Houston and Private First Class James Martin, and I want to add my words of condolences and greatest sympathy, but also greatest appreciation to those two soldiers' families, and to all of the families of the soldiers, not just in the 10th, but in the Armed Services committed to that battle over that period of time in Mogadishu for their incredible sacrifice and for their devotion.

Their courage was uncommon insofar as those of us lesser mortals are concerned. The courage that was shown in Mogadishu and shown in Somalia, however, I think is very symptomatic, not common, nothing that extraordinary could be called common, but that remarkable demonstration of all that makes up our great Armed Services, and things we see every day today in Iraq and Afghanistan and Bosnia and Kosovo; in theater after theater, the men and women not just of the United States Army but of all of the branches of our Armed Services display on our behalf and on behalf of others, simply trying to give people a chance to be free.

This resolution is important because it signifies an incredibly vital anniversary in the history of the United States military, an important anniversary in their incredible contributions and sacrifices on behalf of others, but it is also important for the symbolism, that symbolism that continues today on the streets of Baghdad, that symbolism that continues today on the streets of Kabul and other places, men and women in uniform from villages large and small, from cities medium and large from the United States, who go to these strange, far-away places for one reason, to try to make people's lives better. That is why when people say we are proud to be Americans, we can say it with such conviction.

Madam Speaker, I again thank the gentleman from North Carolina (Mr. HAYES), and add a final word of urging to all of the Members of the House to vote in support of this great resolution.

Madam Speaker, I yield back the balance of my time.

Mrs. DAVIS of California. Madam Speaker, I yield myself the balance of my time.

Madam Speaker, I am very honored to join with my colleagues today, the gentleman from North Carolina (Mr. HAYES), the gentleman from Minnesota (Mr. KLINE), and particularly the gentleman from New York (Mr. MCHUGH) for his dedication in this area. I am pleased to join with my colleagues in expressing deep gratitude for the valor and commitment of the members of the Armed Forces who were deployed in Operation Restore Hope to provide humanitarian assistance to the people of Somalia in 1993. I think that we need to be reminded, all of us, of the lessons learned from Operation Restore Hope, and keep that in our hearts and in our minds as we move forward in this Congress.

Mr. DAVIS of California. Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mrs. CAPITO). The question is on the motion offered by the gentleman from New York (Mr. MCHUGH) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 291.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. MCHUGH. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

□ 1615

ANNOUNCEMENT OF INTENTION TO OFFER MOTION TO INSTRUCT CONFEREES ON H.R. 2660, DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2004

Mr. OBEY. Madam Speaker, pursuant to clause 7(c) of House rule XXII, I hereby notify the House of my intention tomorrow to offer the following motion to instruct House conferees on the bill (H.R. 2660) making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2004, and for other purposes.

The form of the motion is as follows:

I move that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the bill H.R. 2660 be instructed to insist on the highest funding levels possible for programs authorized by the No Child Left Behind Act.

EXTENDING AUTHORITY FOR CONSTRUCTION OF MEMORIAL TO MARTIN LUTHER KING, JR.

Mr. SAXTON. Madam Speaker, I move to suspend the rules and pass the Senate bill (S. 470) to extend the authority for the construction of a memorial to Martin Luther King, Jr.

The Clerk read as follows:

S. 470

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION. 1. MEMORIAL TO MARTIN LUTHER KING, JR.

Section 508(b) of the Omnibus Parks and Public Lands Management Act of 1996 (Public Law 104–333, as amended is amended to read as follows:

''(b) COMPLIANCE WITH STANDARDS FOR COMMEMORATIVE WORKS.—

''(1) Except as provided in paragraph (2), the establishment of the memorial shall be in accordance with chapter 89 of title 40, United States Code.

''(2) Notwithstanding section 8903(e) of title 40, United States Code, the authority provided by this section terminates on November 12, 2006.''.

The SPEAKER pro tempore (Mrs. CAPITO). Pursuant to the rule, the gentleman from New Jersey (Mr. SAXTON) and the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN) each will control 20 minutes.

The Chair recognizes the gentleman from New Jersey (Mr. SAXTON).

GENERAL LEAVE

Mr. SAXTON. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. SAXTON. Madam Speaker, I yield myself such time as I may consume.

S. 470, introduced by my friend, Senator PAUL SARBANES of Maryland, would extend the authority for the construction of the memorial to Dr. Martin Luther King, Jr., in the District of Columbia. S. 470 would simply extend to November 2006 the authorization given to the site's sponsor, Alpha Phi Alpha fraternity, in the Omnibus Parks and Public Land Management Act of 1996 to raise the funds to build the memorial. The bill is strongly supported by the administration and both the majority and minority of the Committee on Resources. I urge my colleagues to support S. 470.

Madam Speaker, I reserve the balance of my time.

Mrs. CHRISTENSEN. Madam Speaker, I yield myself such time as I may consume.

(Mrs. CHRISTENSEN asked and was given permission to revise and extend her remarks.)

Mrs. CHRISTENSEN. Madam Speaker, S. 470 is the Senate companion measure to a House bill, H.R. 1209, that was passed by this body on September 23, 2003. It is a simple piece of legislation that extends for 3 years the authority for construction of a memorial to Dr. Martin Luther King, Jr., here in the District of Columbia.

In 1996, Public Law 104–333 authorized the Alpha Phi Alpha Fraternity, Inc., through the Martin Luther King Memorial Project Foundation, to establish a memorial here in our Nation's capital to America's foremost civil rights leader. Since that time, the sponsors have worked diligently to secure memorial site and design approvals. In addition, there has been a fundraising campaign under way to secure the necessary funds to build and maintain the memorial. However, not all of the necessary funds have been secured and ground cannot be broken until the funds are in place. That is the reason for the need for the extension.

Madam Speaker, I want to take this opportunity to applaud the Alpha Phi Alpha fraternity for the work they have done so far and their commitment to this project. S. 470 is a completely noncontroversial measure. I strongly support its passage by the House today so that the measure can be sent to the President for his signature and the work to establish this national memorial to this great American, a real world leader, can continue.

Madam Speaker, I reserve the balance of my time.

Mr. SAXTON. Madam Speaker, I reserve the balance of my time.

Mrs. CHRISTENSEN. Madam Speaker, I yield 5 minutes to the gentlewoman from the District of Columbia (Ms. NORTON).

Ms. NORTON. Madam Speaker, I thank the gentlewoman from the Virgin Islands for yielding me this time and the chairman who is managing the bill on the other side, the gentleman from New Jersey (Mr. SAXTON), for their good and hard work on this bill and for bringing it to the floor before the deadline.

I appreciate that this bill was authorized in 1996 and that the Congress understood it to be an important matter, that Martin Luther King, who has been honored all over the world, has never been sufficiently honored until he is honored by the Congress of the United States in the Nation's capital. Site selection and other processes on the memorial, however, were not completed until the year 2000. So although authorized in 1996, the Congress is aware that the District has the most elaborate process for monuments in the country. You do not hear me complaining. I am a strong supporter of those processes. It is one Mall; it is priceless. We already are in danger of filling it up and not paying enough attention to it. I am working on a conservancy bill because it is deteriorating. We have to make sure that everything that goes on that Mall which is, after all, our real crown jewel, goes through each and every process and is exactly right.

And so it took some time to find the right space on the Mall. We do not just put things anywhere on the Mall anymore. This is a plot of land meant to last in perpetuity. It is already greatly endangered. But if you do not know precisely where the memorial is going to go until almost 4 years after Congress has authorized it, it is very difficult to do all of the fundraising because it is when the site is chosen that people recognize that the monument is going to happen and they come forward more easily to, in fact, contribute. It eases the process tremendously after that point.

I want to commend Alpha Phi Alpha for what they have done so far. It is herculean to do what they have done. It is a $100 million memorial, no Federal funds, one lone fraternity, the fraternity that Martin Luther King himself belonged to. They have the entire burden of raising the funds for this memorial. This bill will help them to continue the process; yet it is only 3 more years.

I believe every Member of this body and of the other body appreciates the singular place of Martin Luther King in our country's history. His reconciling, nonviolent approach was critical. Otherwise, we need only look around the world and we need only consider that we had legal discrimination in this country for 100 years after the Civil War to appreciate what this man did. All over the world in order to settle such disputes there are conflagrations going on. As I speak, in our country we have still not gotten over the Civil War. We are much further along the way, however, after the nonviolent revolution that began in the 1960s. The man most responsible for the character of that revolution is Martin Luther King, Jr., himself. It loses the Congress nothing and gives it much to simply extend the time for Alpha Phi Alpha to gather the funds necessary for a memorial for this great American.

Mrs. CHRISTENSEN. Madam Speaker, I yield 5 minutes to the gentleman from Illinois (Mr. DAVIS).

Mr. DAVIS of Illinois. Madam Speaker, I want to thank the gentlewoman from the Virgin Islands for yielding me this time. As a member of Alpha Phi Alpha fraternity, I also want to commend my brothers for the tremendous work they have done on this project. I also want to thank the Committee on Resources for bringing this bill to the floor.

Every year, millions of Americans and visitors from across the world visit our Nation's capital. They visit the national Mall where symbols of our Nation's history and ideals stand tall and strong. In classrooms across the Nation as they study the history of the 20th century, besides our involvement in wars, the civil rights movement is the most influential stage in the development and evolution of our society. Yet besides the bust of Dr. Martin Luther King, Jr., in the Rotunda of the Capitol building, there are no tributes recognizing the significance of the movement to our Nation's history. I am in support of S. 470 because I believe that a memorial to Dr. Martin Luther King, Jr., would be fitting to not only remember this remarkable man but the civil rights movement itself, over 200 years of struggle for equality and to remind our citizens what great success can be achieved with nonviolent resistance.

Dr. King, as many of us know, was the most visible and effective advocate of nonviolence and direct action as methods of social change. In 1956, Dr. King became the president of the newly formed Montgomery Improvement Association, where he gained national attention for his and the association's role in the Montgomery bus boycott.

He encouraged black college students to continue their sit-in protests and freedom rides. In 1963, Dr. King led mass demonstrations in Birmingham, Alabama, where the demonstrators were met with violent opposition, getting the interest and attention of then-President John F. Kennedy who responded, and the Civil Rights Act of 1964 was passed. Dr. King became Time Magazine's Man of the Year in 1963 and the recipient of the Nobel Peace Prize in 1964. In 1967, he also initiated a poor people's campaign designed to confront economic problems that were not addressed under the Civil Rights Act of 1964. Dr. King's life of peace and change was suddenly ended on April 4, 1968, as he was assassinated in Memphis, Tennessee.

Mr. Speaker, our Nation's capital makes history alive. Without having a memorial to Dr. King and the civil rights movement, it sends the message that this part of history is not still alive. As Dr. King once told his children, ''I'm going to work and do everything that I can do to see that you get a good education. I don't ever want you to forget that there are millions of God's children who will not and cannot get a good education, and I don't want you feeling that you are better than they are. For you will never be what you ought to be until they are what they ought to be.'' Our country will never be what it ought to be until we value and adequately display the contributions of African Americans who have made tremendous contributions to our history; and, of course, a tribute to Dr. King on the Mall would go a long ways in that direction.

Ms. WATSON. Madam Speaker, I rise today in support of S. 470, to extend the authority for the construction of a memorial to Rev. Dr. Martin Luther King Jr. on the National Mall. The House bill, H.R. 1821, was passed on September 23, 2003 by a voice vote under unanimous consent.

The authorization set by Congress in 1996 to raise funds for the memorial will expire on November 12, 2003. Passage of the Senate bill will allow the legislation to be sent directly to the President for signing and extend the authorization through November 12, 2006.

The efforts of the King Memorial Foundation to raise $100 million for the construction and maintenance of the project have been impressive, but more time is needed to reach its fundraising goal. I believe that it is our job as members of Congress to ensure that Dr. King will be memorialized in a distinguished manner that acknowledges his legacy. Congress therefore must authorize more time for funds to be raised to build the King Memorial.

Our National Mall is representative of the profound history and strength of our Nation. Dr. King is one of out Nation's most important leaders, and this monument should carry the same weight and significance as those erected in honor of other distinguished Americans.

Congressional leaders also support the efforts to put Dr. King's legacy at Washington's forefront. They along with several other of my colleagues sit on a honorary bipartisan congressional committee for the Martin Luther King Jr. National Memorial.

Dr. King's teachings of non-violent civil disobedience to combat segregation and racial inequality affected not only minorities, but every religious, ethnic, and social group in our Nation. In 1963, Dr. King led the March on Washington very near the site where we wish to honor him today. His leadership was critical to the passage of the landmark Civil Rights Act of 1964 and the Voting Rights Act of 1965.

Dr. King acted on his dream for America and was successful in making the United States a better place. We must ensure that Dr. King's valiant efforts will be remembered by future generations.

Madam Speaker, I ask my colleagues to join me in keeping Dr. King's dream alive by honoring him among our Nation's finest.

Mrs. CHRISTENSEN. Madam Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. SAXTON. Madam Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Jersey (Mr. SAXTON) that the House suspend the rules and pass the Senate bill, S. 470.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate bill was passed.

A motion to reconsider was laid on the table.

EXPRESSING SENSE OF CONGRESS REGARDING SANCTIONS ON NATIONS THAT ARE UNDERMINING EFFECTIVENESS OF CONSERVATION MEASURES FOR ATLANTIC HIGHLY MIGRATORY SPECIES

Mr. SAXTON. Madam Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 268) expressing the sense of the Congress regarding the imposition of sanctions on nations that are undermining the effectiveness of conservation and management measures for Atlantic highly migratory species, including marlin, adopted by the International Commission for the Conservation of Atlantic Tunas and that are threatening the continued viability of United States commercial and recreational fisheries, as amended.

The Clerk read as follows:

H. CON. RES. 268

Whereas some fishing vessels of members and nonmembers of the International Commission for the Conservation of Atlantic Tunas (hereinafter referred to as the ''Commission'') that fish in the Commission regulatory area have not conformed with Commission recommendations for some stocks, including those promoting the live release of Atlantic marlin;

Whereas repeated nonconformance with Commission recommendations by fishing vessels of Commission members and nonmembers undermines the effectiveness of the Commission to establish, maintain, and enforce conservation measures, including rebuilding plans for overfished species of fish that are under the Commission's management authority;

Whereas failure of Commission members to enforce Commission conservation and management measures, including reductions in Atlantic marlin landings, threatens the continued viability of United States commercial and recreational fishing industries and undermines conservation goals;

Whereas the Commission has adopted a resolution that further defines the scope of illegal, unregulated, and unreported fishing activities by large-scale longline vessels in the Commission regulatory area; and

Whereas such resolution includes provisions directing Commission members and cooperating nonmembers to take every possible action, consistent with relevant laws, to prevent the engagement in transaction and transshipment of tunas and tuna-like species from vessels that engage in illegal, unregulated, and unreported fishing activities, including vessels that engage in any fishing that is not in compliance with relevant Commission conservation and management measures: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That it is the sense of Congress that—

(1) the President should, consistent with statutory authorities and international obligations—

(A) direct the United States Commissioners to the International Commission for the Conservation of Atlantic Tunas (in this resolution referred to as the ''Commission'') to seek the establishment of effective conservation, management, and enforcement measures for the species under consideration at the 2003 Commission meeting, including for Atlantic marlin;

(B) continue to encourage members and nonmembers that fish in the Commission regulatory area to make every effort to end illegal, unregulated, and unreported fishing, including any fishing that is not in conformance with relevant conservation recommendations adopted by the Commission, including those concerning Atlantic marlin landing reductions;

(C) make full use of all appropriate diplomatic mechanisms, relevant international laws and agreements, and other appropriate mechanisms to ensure conformance with conservation recommendations for all species under the Commission's management authority, including Atlantic marlin; and

(D) continue to encourage the Commission to adopt conservation recommendations authorizing the use of enforceable measures to prevent those who fish in the Commission regulatory area from taking actions that would undermine the effectiveness of conservation and management recommendations of the Commission;

(2) when the vessels of a country are being used in the conduct of fishing operations in the Convention area in a manner or in such circumstances as would tend to diminish the effectiveness of the conservation recommendations of the Commission, the President and the Secretary of Commerce, consistent with their statutory authorities and international obligations, should—

(A) exercise their authorities under the Atlantic Tunas Convention Act of 1975 (16 U.S.C. 971 et seq.); and

(B) exercise their authorities under the provisions of the Commission's rules that ensure conformance with Commission recommendations by member and nonmembers; and

(3) if nationals of a Commission member or nonmember, directly or indirectly, are conducting fishing operations in a manner or under circumstances which diminish the effectiveness of the Commission's fishery conservation programs, then the Secretary of Commerce, consistent with international obligations, should certify that fact under section 8(a)(1) of the Fishermen's Protective Act of 1967 (22 U.S.C. 1978 (a)(1)).

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New Jersey (Mr. SAXTON) and the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN) each will control 20 minutes.

The Chair recognizes the gentleman from New Jersey (Mr. SAXTON).

GENERAL LEAVE

Mr. SAXTON. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and to include extraneous material on the concurrent resolution under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. SAXTON. Madam Speaker, I yield myself such time as I may consume.

H. Con. Res. 268 is a resolution expressing the sense of Congress regarding the imposition of sanctions on nations that are undermining the effectiveness of conservation and management members for Atlantic highly migratory species.

Madam Speaker, the annual meeting of the International Commission for the Conservation of Atlantic Tunas, known as ICCAT, will take place in a few weeks. The United States delegation must go into this meeting with a strong position that noncompliance by nations that are members of ICCAT is unacceptable. The U.S. has been a world leader in pushing for conservation measures at ICCAT. In addition, we have put restrictions on our fishermen, both recreational and commercial, to implement these international conservation measures.

□ 1630

Again and again, the U.S. has restricted our fishermen and then had to watch as foreign nations allowed their fishermen to break the internationally agreed upon rules.

Not only have our fishermen suffered as a result of noncompliance by other nations, but the fish themselves have suffered. Atlantic white marlin populations, in particular, are at approximately 12 percent of their historic levels. Blue marlin are at about 40 percent of their historic levels. This is totally unacceptable, and, I might add, unnecessary.

Despite playing by the rules and pushing for conservation, the U.S. fishermen were faced with a petition last year to list white marlin under the Endangered Species Act. Rebuilding plans for both white marlin and blue marlin have been put in place, but international fleets do not comply.

It is clear that U.S. conservation efforts are not enough. Our fishermen, both recreational and commercial, played by the rules and were still almost shut down because of international indifference.

We need to make sure that all nations that fish for Atlantic highly-migratory species play by the rules, or face the consequences. The U.S. is one of the biggest markets for these nations, and we should send a strong signal that we will not tolerate continued noncompliance.

This resolution urges the President to continue to work with our trading partners through the international fisheries management bodies to achieve conservation goals. In addition, the resolution calls on the President, when those international efforts do not work, to use all methods available, including trade sanctions against those countries which choose not to play by the internationally agreed upon rules.

This resolution sends the message to those nations that do not consider conservation to be important that there must be consequences to their actions. In addition, it sends the message to U.S. fishermen that their conservation efforts are consequential, and not for nothing.

I urge Members to support this resolution and to send the U.S. delegation to ICCAT with the task of warning other nations that they need to take conservation seriously.

Madam Speaker, I reserve the balance of my time.

Mrs. CHRISTENSEN. Madam Speaker, I yield myself such time as I may consume.

(Mrs. CHRISTENSEN asked and was given permission to revise and extend her remarks.)

Mrs. CHRISTENSEN. Madam Speaker, I join my colleague in support of H. Con. Res. 268.

Madam Speaker, the United States has long been a leader in promoting the sustainable harvest of our ocean resources. Unfortunately, not all other countries have been as diligent. We must continue to press for effective conservation and management of our world's fisheries, not only at the International Commission for the Conservation of Atlantic Tunas, or ICCAT, but at all international fisheries organizations.

This concurrent resolution, H. Con. Res. 268, gives much-needed support to our U.S. commissioners as they enter into yet another round of difficult international negotiations. Ending illegal, unregulated and unreported fishing, not only of white marlin but all the species managed by ICCAT, is necessary to ensure the long-term sustainability of these fisheries and the United States commercial and recreational industries that depend on them.

I commend my colleague, the gentleman from New Jersey (Mr. SAXTON), for this timely resolution, and I urge the House to adopt it.

Madam Speaker, I reserve the balance of my time.

Mr. SAXTON. Madam Speaker, I reserve the balance of my time.

Mrs. CHRISTENSEN. Madam Speaker, I yield such time as he may consume to the ranking member of the subcommittee, the gentleman from New Jersey (Mr. PALLONE).

Mr. PALLONE. Madam Speaker, I thank the gentlewoman for yielding me time.

Madam Speaker, I am pleased to offer my support for H. Con. Res. 268. International fisheries agreements, including the International Commission for the Conservation of Atlantic Tunas, ICCAT, are critical for healthy oceanic food webs, as well as a healthy economy. When fish stocks remain at severely depleted levels, ecosystem structure is altered, and millions of dollars in revenue are lost every year.

We learned in multiple hearings in the Subcommittee on Fisheries Conservation, Wildlife and Oceans, over the last several years, that the Atlantic white marlin stock is in the worst shape of all the species managed by ICCAT. Illegal, unregulated and unreported fishing further aggravates this problem by undermining market prices to a point that our law-abiding commercial fishermen can no longer afford to fish and by forcing noncommercial fishermen to be stringently regulated.

After 40 years of ICCAT management, the Commission has achieved the dubious distinction of allowing two-thirds of the highly-migratory species it oversees to become overfished. The lack of compliance by ICCAT contracting members with ICCAT's own recommendations considerably limits this Commission.

If United States fishermen are expected to adhere to national and international laws while maintaining an economically viable industry, our administration must be willing to take a strong position in support of internationally enforceable recommendations. I have high hopes that this resolution will provide a thorough debate at next month's ICCAT meeting.

I just want to commend my colleague, the gentleman from New Jersey (Mr. SAXTON), for this timely resolution. I am proud to be a cosponsor. I urge that the House adopt this resolution.

Mrs. CHRISTENSEN. Madam Speaker, I yield such time as he may consume to the gentleman from American Samoa (Mr. FALEOMAVAEGA).

Mr. FALEOMAVAEGA. Madam Speaker, I thank the gentlewoman for yielding me time.

Madam Speaker, certainly I would like to express my appreciation for the outstanding leadership of our colleague, the gentleman from New Jersey (Mr. SAXTON), as the chief sponsor of this legislation, not only as the former chairman of our Subcommittee on Fisheries Conservation, Wildlife and Oceans, but always a chief spokesman for the needs of the fisheries programs of our Nation.

Madam Speaker, I rise today in strong support of House Resolution 268, a resolution expressing the sense of congress regarding the imposition of trade sanctions against countries who undermine the effectiveness of the International Convention on the Conservation of Atlantic Tunas. The International Commission was established

in 1969 and is responsible for the conservation of some 30 species of tuna, swordfish and many other times of highly-migratory fish.

Thirty-six years ago, the United States demonstrated its leadership in marine conservation by being the first to sign the international convention. Later that year, we were joined by two other countries, Japan and South Africa. Today, the number of contracting and cooperating parties has grown to 39 nations from across the world, signifying a global recognition of the importance of a large-scale collective effort to protect and carefully manage our international fisheries.

Madam Speaker, the ICCAT Commission is charged with the lofty responsibility of undertaking scientific research, compiling statistics and monitoring a large number of highly-migratory species that inhabit the vast Atlantic Ocean. The types of species under the Commission's purview of diverse, having varying biological characteristics, migration patterns and exploitation pressures from different countries, which makes effective management very complicated.

The Commission directs much effort in devising plans and providing recommendations that establish acceptable fishing levels aimed at ensuring maximum sustainable catches for all. Since their establishment some 33 years ago, the Commission has been working hard to provide accurate information and management advice to fishing countries of the world, with the number of recommendations growing exponentially each year.

Despite the Commission's considerable efforts, however, several Atlantic highly-migratory species are still in jeopardy. The Atlantic white marlin, a major sport fishery for the United States, is nearly at an endangered status, and not from U.S. sports fishermen. An estimated 95 percent of the Atlantic marlin catches come from other nations, both from targeted fishing, and, sadly, as bycatch.

I have always had very strong feelings about the issue of bycatch. It is inconceivable, Madam Speaker, to me, that some find it acceptable to simply throw out these fish, just because there is no perceived market value for them. Perhaps my point of view on this stems from my heritage as an islander, whose way of life, means of nourishment and culture centers almost exclusively on the resources from the ocean, considers the discard of any fish as a despicable waste.

Madam Speaker, illegal, unreported and unregulated, which is known as IUU, fishing, is also of great concern to me. Countries who engage in such fishing significantly compromise the ability to monitor fish stocks accurately, making it very difficult for the Commission to advise on setting catch limits. IUU fishing is a serious concern to the Atlantic species, as well as to the fisheries of the great Pacific Ocean.

The most unfortunate fact, in my opinion, Madam Speaker, is that even some of the contracting member countries have continually violated the convention to which they themselves have signed. Brazil, China, Cote D'Ivore and Spain continue to overfish Atlantic white marlin, and even the European Union refuses to accept the recommendations by the Commission for Atlantic blue tuna catch limits. These practices are unfair to the rest of the participating nations who fully cooperate and value the Convention and actively support international conservation efforts. They are unfair to and disrespectful to the internationally-recognized ICCAT Commission, and they are unfair to our future generations that will continue to rely on our ocean resources for food.

Madam Speaker, I fully support the imposition of trade sanctions on these countries that violate and undermine the convention. Repeatedly, we have seen laws, rules, and regulations ignored because there is no means to effectively enforce them. Perhaps sanctions are the ''teeth'' the U.S. can give the convention so that violating countries will begin to take marine conservation seriously.

I am a proud cosponsor of this resolution and may even propose a similar resolution for the Pacific fisheries at the appropriate time, as we have many similar issues there as well.

I thank my good friends and colleagues on the Committee on Resources, the gentleman from New Jersey (Mr. SAXTON), the gentleman from New Jersey (Mr. PALLONE), and the chairman of our subcommittee, the gentleman from Maryland (Mr. GILCHREST) for their leadership on this issue, and I urge Members to support this resolution.

I even suggested, Madam Speaker, that we ought to extend our EE zone from 200 to 1,000 miles, to make a point of the fact that our country is the only country that is sincerely making every effort to see that when we say conservation, we mean it sincerely, and not just a lot of rhetoric.

Madam Speaker, I do want to thank my staff, Dr. Malia Rivera, a Sea Grant fellow in my office, for the outstanding job she has done in advising me on issues pertaining to fisheries, and again I thank my good friend from New Jersey, and I urge my colleagues to support this resolution.

Mrs. CHRISTENSEN. Madam Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. SAXTON. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I would just conclude by saying this, that in our country, many years ago when our country was young, our forefathers enjoyed a huge herd of buffalo in the Midwest States, and because we did not understand that they would not always just be there, we carried out practices that simply eliminated them.

Unfortunately, because of the international pressure that is being placed on these species by the international pelagic longline fleet and the lack of enforcement of agreed upon ICCAT regulations, the same process is currently under way with white marlin, blue marlin, swordfish, Atlantic tuna and other species.

This is a crime which, in my view, must stop, and I do not use the term ''crime'' unadvisedly.

Mr. FALEOMAVAEGA. Madam Speaker, will the gentleman yield?

Mr. SAXTON. I yield to the gentleman from American Samoa.

Mr. FALEOMAVAEGA. Madam Speaker, again, to make the point in the course of our hearings, with due respect to the members of the administration that testified before our hearing that was held, they are making every sincere effort to get other countries and members of the convention to comply, but how long have we been doing this? This is for the past 10 years, from previous administrations. We are still making every sincere effort, but it seems with no real substantive results.

I ask my good friend, the gentleman from New Jersey, what else can we do? As I suggested earlier, we need to put teeth on the substance of this convention, or else we are just going to be spinning our wheels for another 10-year period, and still with no results.

Here is the problem: We now have fishing vessels from the Atlantic fishing in the Pacific. Why? Because some of these fish have been overfished. There are moratoriums placed on them.

We have serious problems, even in the Pacific. Fifty-four percent of the tuna now caught in the world is from the Pacific Ocean, and this is just tuna. The fact is that if we are not taking seriously the substantial of the problems of conservation of various species of fish, we definitely are going to have some very serious problems.

I thank the gentleman for his expressing the concerns about the fishing, but I ask my good friend, we have been spinning our wheels for the last 10 years, are we going to be doing the same thing for the next 10 years?

Mr. SAXTON. Madam Speaker, reclaiming my time, I thank the gentleman for making the eloquent point that he has.

□ 1645

The question is a very good one. That is what this piece of legislation, this resolution is about. It says that, in effect, if the parties who go to ICCAT and make an agreement on the amount, the number, or the amount of tonnage of fish to be taken do not comply with those agreements, then the President is urged to use trade sanctions with regard to fish or other commodities to enforce those agreements, or to provide a penalty against those who do not comply with the agreements that their countries make. It is a huge problem and one that I hope that this resolution will give the administration the necessary muscle that it needs to solve this problem.

Mr. FALEOMAVAEGA. Madam Speaker, if the gentleman would again yield, and I thank him for yielding, and I sincerely hope that perhaps, even after expressing the sense of the Congress in our resolution, that maybe the next phase is to put in teeth by saying by statute that we do this. Because again, despite all of the good efforts that perhaps the administration may be making on this issue, it is not just from this administration, but even from previous administrations, I think we are tired of the rhetoric. It is time to now put teeth in this issue and make sure that if we are going to be the only Nation complying with the substance of the convention while the others can still do what they want, I think there is a tremendous inequity in this effort.

Again, I thank the gentleman for bringing this point to the attention of our colleagues.

Mr. SAXTON. Madam Speaker, I thank the gentleman from American Samoa for making the point so clearly.

Madam Speaker, I have no further speakers at this time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mrs. CAPITO). The question is on the motion offered by the gentleman from New Jersey (Mr. SAXTON) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 268, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the concurrent resolution, as amended, was agreed to.

A motion to reconsider was laid on the table.

EXTENDING THE TERM OF THE FOREST COUNTIES PAYMENTS COMMITTEE

Mr. SAXTON. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 3249) to extend the term of the Forest Counties Payments Committee.

The Clerk read as follows:

H.R. 3249

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. EXTENSION OF TERM OF FOREST COUNTIES PAYMENTS COMMITTEE.

Effective as of October 11, 2003, section 320(e) of the Department of the Interior and Related Agencies Appropriations Act, 2001 (Public Law 106–291; 114 Stat. 994; 16 U.S.C. 500 note), is amended by striking ''three years after the date of the enactment of this Act'' and inserting ''on September 30, 2007''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New Jersey (Mr. SAXTON) and the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN) each will control 20 minutes.

The Chair recognizes the gentleman from New Jersey (Mr. SAXTON).

GENERAL LEAVE

Mr. SAXTON. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. SAXTON. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, this bill, H.R. 3249, simply changes the termination date of the Forest Counties Payments Committee that was created by Congress in the Interior Appropriations Act of 2001 to coincide with the expiration date in 2006 of the Secure Rural Schools and Communities Self-Determination Act of 2000.

The purpose of this committee is to develop recommendations for Congress concerning the Federal program of payments to States and counties and to evaluate the effectiveness of the Secure Rural Schools and Community Self-Determination Act that regulates those payments. While some of the work of the committee has been completed, the important job of evaluating the effectiveness of Public Law 106–393 is ongoing and will need to be continued in order to assist Congress as it reviews options for either reauthorization or the development of new legislation. These efforts are crucial if we hope to further our understanding and support for healthy communities and healthy forests.

Madam Speaker, I would like to thank the gentleman from Oregon (Mr. WALDEN) for his thoughtful leadership on this issue and on this bill. I urge adoption of the bill.

Madam Speaker, I reserve the balance of my time.

Mrs. CHRISTENSEN. Madam Speaker, I yield myself such time as I may consume.

(Mrs. CHRISTENSEN asked and was given permission to revise and extend her remarks.)

Mrs. CHRISTENSEN. Madam Speaker, H.R. 3249 extends the term of the Forest Counties Payments Committee until September 30, 2007. This date coincides with the expiration date of the Secure Rural Schools and Community Self-Determination Act of 2000. The committee, whose term expired on October 11, 2003, is to provide recommendations concerning Federal payments to States and counties in which public lands are situated. The bill is noncontroversial, and we do not object to it.

I want to take this opportunity to thank the two gentlemen from Oregon, the sponsor of the bill, (Mr. WALDEN), and our Democratic colleague (Mr. DEFAZIO) for bringing this legislation to the floor.

Mr. WALDEN of Oregon. Madam Speaker, I rise in support of H.R. 3249—a bill I introduced with my colleague from Oregon, Mr. DEFAZIO, which would extend the term of the Forest Counties Payments Committee. I want to commend the chairman of the Resources Committee, Mr. POMBO, and the Chairman of the Agriculture Committee, Mr. GOODLATTE, for expediting the consideration of this legislation in their respective committees.

Madam Speaker, H.R. 3249 would extend the term of the Forest Counties Payments Committee to coincide with the sunset of the Secure Rural Schools and Community Self-Determination Act of 2000, which expires on September 30, 2007. The committee was created in the FY 2001 Interior Appropriations bill and is comprised of local government county and school officials. Its purpose was to develop long-term solutions to ensure the proper management of our national forests, emphasizing forest health and economic activity, and evaluate the effectiveness of the County Schools legislation.

Congress charged the committee with evaluating several key areas in making its recommendations. They include the methods by which payments are made to eligible states and counties; the impact of revenues from historical multiple use of federal lands on states and counties; the economic environmental, and social benefits of federal lands to counties and reviewing the costs to counties resulting from the presence of federal lands. The committee held at least six listening sessions throughout the country to understand better the impact that the presence of these federal lands has on counties where they are located. The input gathered from these listening sessions was ultimately used to write the committee's report, which was published in February 2003.

What did the committee's report find? It found what many communities in my district have known for at least the last decade: that the decline in timber receipts from federal lands has had a devastating economic impact on these rural communities. While communities acknowledge the benefits associated with the presence of public lands within their counties, including improved quality of life, recreational opportunities, and the revenue coming into their communities through travel and tourism, the committee validated the claims that these benefits are outweighed by the degradation of county roads and schools that has resulted from the decline in timber receipts. This not only creates access issues for individuals wishing to recreate on public lands, but also creates safety concerns for transporting children to schools, responding to emergencies and day-to-day travel.

This unfortunate reality especially holds true in the counties I represent in eastern Oregon. Between 1990–1999 the counties in this region saw Forest Service payments from timber receipts and other generated revenues drop by 87 percent.

In light of the rapid decline of timber receipts reaching these communities, Congress passed the Secure Rural Schools and Community Self-Determination Act of 2000. This act stabilized timber revenue dependent counties by providing a temporary ''safety-net'' payment to forest counties and schools at 85 percent of the average of their three highest receipt years from 1986–1999. The legislation also provided an additional 15 percent to support community-based projects, like hazardous fuels treatments taking place on federal lands.

Madam Speaker, the authorization for the Forest Counties Payments Committee expired several weeks ago, on October 11, before it was able to examine fully the impact of the

County Schools legislation. More importantly, if the committee's term is not extended, it will not have the opportunity to examine the potential effect that the implementation of the National Fire Plan or the Healthy Forests Initiative will have on America's forested counties. The Chairman of this committee, Mark Evans, stated in a letter to Chairman POMBO, ". . . the Committee did not have adequate time to consider ways to integrate the Healthy Forests Initiative and National Fire Plan with future payment options. The timing of development of these two programs along with a 18-month timeframe imposed on the Committee to produce a final report precluded full consideration of possible options."

Madam Speaker, I agree wholeheartedly with the remarks of Chairman EVANS. We need to pass this legislation to allow the Payments Committee to continue its good work. It goes without saying that its future findings will lay the foundation as we move towards the reauthorization of the Secure Rural Schools and Community Self-Determination Act.

I'd like to once again thank the efforts of Chairman POMBO and Chairman GOODLATTE in getting this legislation to the floor in an expeditious fashion. I urge the House to adopt this extension and yield back the balance of my time.

Mrs. CHRISTENSEN. Madam Speaker, I yield back the balance of my time.

Mr. SAXTON. Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Jersey (Mr. SAXTON) that the House suspend the rules and pass the bill, H.R. 3249.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

MARTIN LUTHER KING, JUNIOR, NATIONAL HISTORIC SITE LAND EXCHANGE ACT

Mr. SAXTON. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 1616) to authorize the exchange of certain lands within the Martin Luther King, Junior, National Historic Site for lands owned by the City of Atlanta, Georgia, and for other purposes.

The Clerk read as follows:

H.R. 1616

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Martin Luther King, Junior, National Historic Site Land Exchange Act".

SEC. 2. FINDINGS AND PURPOSE.

(a) FINDINGS.—Congress finds the following:

(1) Public Law 96–438 established the Martin Luther King, Junior, National Historic Site, and allows acquisition, by donation only, of lands owned by the State.

(2) The National Park Service owns a vacant lot that has no historic significance. The City of Atlanta has expressed interest in acquiring this property to encourage commercial development along Edgewood Avenue.

(3) The National Historic Site Visitor Center and Museum is land-locked and has no emergency ingress or egress, making it virtually impossible for firefighting equipment to reach.

(4) The acquisition of city-owned property would enable the National Park Service to establish easy street access to the National Historic Site Visitor Center and Museum, and would benefit the City by exchanging a piece of property that the City could develop.

(b) PURPOSE.—The purpose of this Act is to authorize the exchange of certain lands within the Martin Luther King, Junior, National Historic Site for lands owned by the City of Atlanta, Georgia.

SEC. 3. LAND EXCHANGE.

Section 2(b)(1) of the Act of October 10, 1980 (Public Law 96–428; 94 Stat. 1839; 16 U.S.C. 461 note) is amended by striking the period and inserting "or exchange.".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New Jersey (Mr. SAXTON) and the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN) each will control 20 minutes.

The Chair recognizes the gentleman from New Jersey (Mr. SAXTON).

GENERAL LEAVE

Mr. SAXTON. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. SAXTON. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, H.R. 1616, introduced by my great friend, the gentleman from Georgia (Mr. LEWIS), would authorize the Secretary of the Interior to exchange certain disposable lands within the boundaries of the Martin Luther King, Jr., National Historic Site in the City of Atlanta, Georgia for land owned by the City of Atlanta.

The acquisition of the city-owned property would accomplish two things: first, to enable the National Park Service to establish easy street access to the Historic Site Visitor Center; and, second, to provide emergency equipment and personnel easy access to the visitor center.

Madam Speaker, H.R. 1616 is supported by the administration and the majority and minority of the committee. I urge adoption of this bill and add my congratulations to the gentleman from Georgia (Mr. LEWIS) for bringing this legislation forward.

Madam Speaker, I reserve the balance of my time.

Mrs. CHRISTENSEN. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, H.R. 1616, introduced by my friend and colleague, the gentleman from Georgia (Mr. LEWIS), authorizes the exchange of land between the National Park Service and the City of Atlanta at the Martin Luther King, Jr., National Historic Site.

The national historic site was established in 1980 to preserve and interpret the birthplace, church, and grave of Dr. Martin Luther King, Jr. Part of the site also includes a vacant lot that is not historically significant to the site, but which the City of Atlanta would like to acquire as part of its redevelopment of the area surrounding the National Historic Site.

The National Park Service has established a visitor center and museum at the historic site that could be enhanced by acquisition of an adjacent parcel owned by the city. While there have been discussions of an exchange of the two properties under the site's Enabling Act, city-owned property can only be acquired by donation.

Madam Speaker, both the National Park Service and the City of Atlanta support this exchange. It is an action that would benefit both the national historic site and the city. This looks to be a win-win situation and, as such, we support the legislation.

Madam Speaker, it is an honor to serve with the gentleman from Georgia (Mr. LEWIS) who, of course, was a trusted and invaluable worker and leader along with Dr. Martin Luther King and who continues to be a drum major for justice today.

Madam Speaker, I yield such time as he might consume to the gentleman from Georgia (Mr. LEWIS).

Mr. LEWIS of Georgia. Madam Speaker, I would like to thank the gentlewoman from the Virgin Islands for those kind remarks and also for yielding to me time to speak about H.R. 1616, the Martin Luther King, Junior, National Historic Site Land Exchange Act. I also want to thank my good friend and colleague, the gentleman from New Jersey (Mr. SAXTON), for bringing this legislation before us.

Madam Speaker, H.R. 1616 is a good bill. It authorizes the exchange of land owned by the National Park Service for land of equal or greater value from the City of Atlanta. The National Park Service and the City of Atlanta have already agreed to the land swapping. However, this cannot be done without authorization from Congress, and H.R. 1616 completes the deal.

This legislation is so important because the Martin Luther King, Jr., National Historic Site Visitor Center and Museum is landlocked and has no emergency access, making it virtually impossible for firefighting equipment to reach the facility. In fact, if there were a fire at the visitor center, the Atlanta Fire Department would have to walk at least 150 to 200 yards in order to reach the center.

Luckily, we have not been faced with such an outcome. However, we must be prepared. Furthermore, Madam Speaker, with heightened security concerns at our Nation's monuments and parks, emergency access is critical.

Passage of H.R. 1616 will allow the Martin Luther King, Jr., National Historic Site to create an emergency access road to and from the site.

As the gentlewoman from the Virgin Islands already stated, this bill is a win-win for all parties. The acquisition of city-owned property would enable the National Park Service to establish easy street access to the Martin Luther King, Jr., National Historic Site Visitor Center and Museum and would benefit the City of Atlanta by exchanging a piece of property that the city could develop into a viable commercial center.

Madam Speaker, Atlanta is the heart of the South and home to progressive residential and business communities. The Martin Luther King, Jr., National Historic Site is adjacent to one of Atlanta's most preserved districts. It is a gathering place where people from all over the world travel to and from to learn our Nation's history. Furthermore the Martin Luther King, Jr., National Historic Site is central to the growth and prosperity of the surrounding community.

Madam Speaker, we must do all that we can to preserve this important tale of history. H.R. 1616 plays a small, but important, role in achieving this responsibility.

Again, I would like to thank the Committee on Resources for supporting this bill, and I urge its immediate passage.

Mr. DAVIS of Illinois. Madam Speaker, I rise today in support of H.R. 1616. The Martin Luther King, Jr. National Historic Site, located in Atlanta, Georgia, commemorates the community where the Civil Rights leader was raised. This community was rich with black commercial and residential areas with strong, prominent black religious institutions. It was these components that were said to have a lasting impact on King and other black community leaders. It is also known for greatly influencing the life path chosen by King, to challenge racism, poverty, and the denial of black civil rights.

There are several events and programs that take place at the Museum free of charge to the public. For instance, currently, there is a program called Confederate Currency: The Color of Money, which tells the story of the contribution of enslaved Africans to the American economy and expands the discussion with exhibits on reparations and racial healing. There are also events which are based around significant moments in Dr. King's life such as the King Holiday, Black History Month, an Assassination Remembrance and the 'I Have a Dream' speech.

Unfortunately, this area rich with history and memories of Dr. King's childhood and a strong black neighborhood is land-locked and parts could easily be destroyed considering it has no emergency ingress, making it impossible for firefighting equipment to reach the Visitor Center and Museum. There is a lot owned by the National Park Service which could not only solve the problem by allowing street access to the Visitor Center, it will also serve as a great piece of property for the City to develop.

Madam Speaker, I thank my colleague and friend Congressman LEWIS for introducing this resolution and I urge all of my colleagues to support it as well.

Mrs. CHRISTENSEN. Madam Speaker, I yield back the balance of my time.

Mr. SAXTON. Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Jersey (Mr. SAXTON) that the House suspend the rules and pass the bill, H.R. 1616.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

COMPACT OF FREE ASSOCIATION AMENDMENTS ACT OF 2003

Mr. LEACH. Madam Speaker, I move to suspend the rules and pass the joint resolution (H.J. Res. 63) to approve the ''Compact of Free Association, as amended between the Government of the United States of America and the Government of the Federated States of Micronesia'', and the ''Compact of Free Association, as amended between the Government of the United States of America and the Government of the Republic of the Marshall Islands'', and otherwise to amend Public Law 99–239, and to appropriate for the purposes of amended Public Law 99–239 for fiscal years ending on or before September 30, 2023, and for other purposes, as amended.

The Clerk read as follows:

H.J. RES. 63

Whereas the United States, in accordance with section 231 of the Compact of Free Association set forth in Title II of Public Law 99–239, January 14, 1986, 99 Stat. 1770, entered into negotiations with the Governments of the Federated States of Micronesia and the Republic of the Marshall Islands; and

Whereas these negotiations, in accordance with section 431 of the Compact, resulted in the ''Compact of Free Association, as amended between the Government of the United States of America and the Government of the Federated States of Micronesia'', and the ''Compact of Free Association, as amended between the Government of the United States of America and the Government of the Republic of the Marshall Islands'', which, together with their related agreements, were signed by the Government of the United States and the Governments of the Federated States of Micronesia and the Republic of the Marshall Islands on May 14, and April 30, 2003, respectively: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE AND TABLE OF CONTENTS.

(a) SHORT TITLE.—This joint resolution, together with the Table of Contents in subsection (b) of this section, may be cited as the ''Compact of Free Association Amendments Act of 2003''.

(b) TABLE OF CONTENTS.—The table of contents for this joint resolution is as follows:

TITLE I—APPROVAL OF U.S.-FSM COMPACT AND U.S.-RMI COMPACT; INTERPRETATION OF, AND UNITED STATES POLICIES REGARDING, U.S.-FSM COMPACT AND U.S.-RMI COMPACT; SUPPLEMENTAL PROVISIONS

Sec. 101. Approval of U.S.-FSM Compact of Free Association and U.S.-RMI Compact of Free Association.
(a) Federated States of Micronesia.
(b) Republic of the Marshall Islands.
(c) References to the Compact, the U.S.-FSM Compact and the U.S.-RMI Compact; References to Subsidiary Agreements or Separate Agreements.
(d) Amendment, Change, or Termination in the U.S.-FSM Compact and the U.S.-RMI Compact and Certain Agreements.
(e) Subsidiary Agreement Deemed Bilateral.
(f) Entry Into Force of Future Amendments to Subsidiary Agreements.
Sec. 102. Agreements With Federated States of Micronesia.
(a) Law Enforcement Assistance.
(b) Agreement on Audits.
Sec. 103. Agreements With and Other Provisions Related to the Republic of the Marshall Islands.
(a) Law Enforcement Assistance.
(b) Ejit.
(c) Kwajalein.
(d) Section 177 Agreement.
(e) Nuclear Test Effects.
(f) Espousal Provisions.
(g) DOE Radiological Health Care Program; USDA Agricultural and Food Programs.
(h) Rongelap.
(i) Four Atoll Health Care Program.
(j) Enjebi Community Trust Fund.
(k) Bikini Atoll Cleanup.
(l) Agreement on Audits.
Sec. 104. Interpretation of and United States Policy Regarding U.S.-FSM Compact and U.S.-RMI Compact.
(a) Human Rights.
(b) Immigration and Passport Security.
(c) Nonalienation of Lands.
(d) Nuclear Waste Disposal.
(e) Impact of Compacts on Guam, the State of Hawaii, the Commonwealth of the Northern Mariana Islands, and American Samoa; Related Authorization and Continuing Appropriation.
(f) Sense of Congress Concerning Funding of Public Infrastructure.
(g) Foreign Loans.
(h) Reports and Reviews.
(i) Construction of Section 141(F).
Sec. 105. Supplemental Provisions.
(a) Domestic Program Requirements.
(b) Relations With the Federated States of Micronesia and the Republic of the Marshall Islands.
(c) Judicial Training.
(d) Continuing Trust Territory Authorization.
(e) Survivability; Actions Incompatible with United States Authority.
(f) Noncompliance Sanctions.
(g) Continuing Programs and Laws.
(h) College of Micronesia.
(i) Trust Territory Debts to U.S. Federal Agencies.
(j) Technical Assistance.
(k) Prior Service Benefits Program.
(l) Indefinite Land Use Payments.
(m) Communicable Disease Control Program.
(n) User Fees.
(o) Treatment of Judgments of Courts of the Federated States of Micronesia, the Republic of the Marshall Islands, and the Republic of Palau.
(p) Inflation Adjustment.
(q) Armed Services Vocational Aptitude Battery Testing.
(r) Establishment of Trust Funds; Expedition of Process.
Sec. 106. Construction Contract Assistance.
(a) Assistance to U.S. Firms.

(b) Authorization of Appropriations.
Sec. 107. Prohibition.
Sec. 108. Compensatory Adjustments.
(a) Additional Programs and Services.
(b) Further Amounts.
Sec. 109. Authorization and Continuing Appropriation.
Sec. 110. Payment of Citizens of the Federated States of Micronesia, the Republic of the Marshall Islands, and the Republic of Palau Employed by the Government of the United States in the Continental United States.

TITLE II—COMPACTS OF FREE ASSOCIATION WITH THE FEDERATED STATES OF MICRONESIA AND THE REPUBLIC OF THE MARSHALL ISLANDS

Sec. 201. Compacts of Free Association, as Amended Between the Government of the United States and the Government of the Federated States of Micronesia and Between the Government of the United States and the Government of the Republic of the Marshall Islands.
(a) Compact of Free Association as amended between the Government of the United States of America and the Government of the Federated States of Micronesia.

Title One—Governmental Relations

Article I—Self-Government.
Article II—Foreign Affairs.
Article III—Communications.
Article IV—Immigration.
Article V—Representation.
Article VI—Environmental Protection.
Article VII—General Legal Provisions.

Title Two—Economic Relations

Article I—Grant Assistance.
Article II—Services and Program Assistance.
Article III—Administrative Provisions.
Article IV—Trade.
Article V—Finance and Taxation.

Title Three—Security and Defense Relations

Article I—Authority and Responsibility.
Article II—Defense Facilities and Operating Rights.
Article III—Defense Treaties and International Security Agreements.
Article IV—Service in Armed Forces of the United States.
Article V—General Provisions.

Title Four—General Provisions

Article I—Approval and Effective Date.
Article II—Conference and Dispute Resolution.
Article III—Amendment.
Article IV—Termination.
Article V—Survivability.
Article VI—Definition of Terms.
Article VII—Concluding Provisions.
(b) Compact of Free Association, as Amended Between the Government of the United States of America and the Government of the Republic of the Marshall Islands.

Title One—Governmental Relations

Article I—Self-Government.
Article II—Foreign Affairs.
Article III—Communications.
Article IV—Immigration.
Article V—Representation.
Article VI—Environmental Protection.
Article VII—General Legal Provisions.

Title Two—Economic Relations

Article I—Grant Assistance.
Article II—Services and Program Assistance.
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Article I—Approval and Effective Date.
Article II—Conference and Dispute Resolution.
Article III—Amendment.
Article IV—Termination.
Article V—Survivability.
Article VI—Definition of Terms.
Article VII—Concluding Provisions.

TITLE I—APPROVAL OF U.S.-FSM COMPACT AND U.S.-RMI COMPACT; INTERPRETATION OF, AND U.S. POLICIES REGARDING, U.S.-FSM COMPACT AND U.S.-RMI COMPACT; SUPPLEMENTAL PROVISIONS

SEC. 101. APPROVAL OF U.S.-FSM COMPACT OF FREE ASSOCIATION AND THE U.S.-RMI COMPACT OF FREE ASSOCIATION; REFERENCES TO SUBSIDIARY AGREEMENTS OR SEPARATE AGREEMENTS.

(a) FEDERATED STATES OF MICRONESIA.—The Compact of Free Association, as amended with respect to the Federated States of Micronesia and signed by the United States and the Government of the Federated States of Micronesia and set forth in Title II (section 201(a)) of this joint resolution, is hereby approved, and Congress hereby consents to the subsidiary agreements and amended subsidiary agreements listed in section 462 of the U.S.-FSM Compact. Subject to the provisions of this joint resolution, the President is authorized to agree, in accordance with section 411 of the U.S.-FSM Compact, to an effective date for and thereafter to implement such U.S.-FSM Compact.

(b) REPUBLIC OF THE MARSHALL ISLANDS.—The Compact of Free Association, as amended with respect to the Republic of the Marshall Islands and signed by the United States and the Government of the Republic of the Marshall Islands and set forth in Title II (section 201(b)) of this joint resolution, is hereby approved, and Congress hereby consents to the subsidiary agreements and amended subsidiary agreements listed in section 462 of the U.S.-RMI Compact. Subject to the provisions of this joint resolution, the President is authorized to agree, in accordance with section 411 of the U.S.-RMI Compact, to an effective date for and thereafter to implement such U.S.-RMI Compact.

(c) REFERENCES TO THE COMPACT, THE U.S.-FSM COMPACT, AND THE U.S.-RMI COMPACT; REFERENCES TO SUBSIDIARY AGREEMENTS OR SEPARATE AGREEMENTS.—

(1) Any reference in this joint resolution (except references in title II) to ''the Compact'' shall be treated as a reference to the Compact of Free Association set forth in title II of Public Law 99–239, January 14, 1986 (99 Stat. 1770). Any reference in this joint resolution to the ''U.S.-FSM Compact'' shall be treated as a reference to the Compact of Free Association, as amended between the Government of the United States of America and the Government of the Federated States of Micronesia and set forth in Title II (section 201(a)) of this joint resolution. Any reference in this joint resolution to the ''U.S.-RMI Compact'' shall be treated as a reference to the Compact of Free Association, as amended between the Government of the United States of America and the Government of the Republic of the Marshall Islands and set forth in Title II (section 201(b)) of this joint resolution.

(2) Any reference to the term ''subsidiary agreements'' or ''separate agreements'' in this joint resolution shall be treated as a reference to agreements listed in section 462 of the U.S.-FSM Compact and the U.S.-RMI Compact, and any other agreements that the United States may from time to time enter into with either the government of the Federated States of Micronesia or the government of the Republic of the Marshall Islands, or with both such governments in accordance with the provisions of the U.S.-FSM Compact and the U.S.-RMI Compact.

(d) AMENDMENT, CHANGE, OR TERMINATION IN THE U.S.-FSM COMPACT AND U.S.-RMI COMPACT AND CERTAIN AGREEMENTS.—

(1) Any amendment, change, or termination by mutual agreement or by unilateral action of the Government of the United States of all or any part of the U.S.-FSM Compact or U.S.-RMI Compact shall not enter into force until after Congress has incorporated it in an Act of Congress.

(2) The provisions of paragraph (1) shall apply—

(A) to all actions of the Government of the United States under the U.S.-FSM Compact or U.S.-RMI Compact including, but not limited to, actions taken pursuant to sections 431, 441, or 442;

(B) to any amendment, change, or termination in the Agreement Between the Government of the United States and the Government of the Federated States of Micronesia Regarding Friendship, Cooperation and Mutual Security Concluded Pursuant to Sections 321 and 323 of the Compact of Free Association referred to in section 462(a)(2) of the U.S.-FSM Compact and the Agreement Between the Government of the United States and the Government of the Marshall Islands Regarding Mutual Security Concluded Pursuant to Sections 321 and 323 of the Compact of Free Association referred to in section 462(a)(5) of the U.S.-RMI Compact;

(C) to any amendment, change, or termination of the agreements concluded pursuant to Compact section 177, and section 215(a) of the U.S.-FSM Compact and section 216(a) of the U.S.-RMI Compact, the terms of which are incorporated by reference into the U.S.-FSM Compact and the U.S.-RMI Compact; and

(D) to the following subsidiary agreements, or portions thereof: Articles III, IV and X of the agreement referred to in section 462(b)(6) of the U.S.-RMI Compact:

(i) Article III and IV of the agreement referred to in section 462(b)(6) of the U.S.-FSM Compact.

(ii) Articles VI, XV, and XVII of the agreement referred to in section 462(b)(7) of the U.S.-FSM Compact and U.S.-RMI Compact.

(e) SUBSIDIARY AGREEMENTS DEEMED BILATERAL.—For purposes of implementation of the U.S.-FSM Compact and the U.S.-RMI Compact and this joint resolution, the Agreement Concluded Pursuant to Section 234 of the Compact of Free Association and referred to in section 462(a)(1) of the U.S.-FSM Compact and section 462(a)(4) of the U.S.-RMI Compact shall be deemed to be a bilateral agreement between the United States and each other party to such subsidiary agreement. The consent or concurrence of any other party shall not be required for the effectiveness of any actions taken by the United States in conjunction with either the Federated States of Micronesia or the Republic of the Marshall Islands which are intended to affect the implementation, modification, suspension, or termination of such subsidiary agreement (or any

provision thereof) as regards the mutual responsibilities of the United States and the party in conjunction with whom the actions are taken.

(f) ENTRY INTO FORCE OF FUTURE AMENDMENTS TO SUBSIDIARY AGREEMENTS.—No agreement between the United States and the government of either the Federated States of Micronesia or the Republic of the Marshall Islands which would amend, change, or terminate any subsidiary agreement or portion thereof, other than those set forth is subsection (d) of this section shall enter into force until after the President has transmitted such agreement to the President of the Senate and the Speaker of the House of Representatives together with an explanation of the agreement and the reasons therefor. In the case of the agreement referred to in section 462(b)(3) of the U.S.-FSM Compact and the U.S.-RMI Compact, such transmittal shall include a specific statement by the Secretary of Labor as to the necessity of such amendment, change, or termination, and the impact thereof.

SEC. 102. AGREEMENTS WITH FEDERATED STATES OF MICRONESIA.

(a) LAW ENFORCEMENT ASSISTANCE.—Pursuant to sections 222 and 224 of the U.S.-FSM Compact, the United States shall provide nonreimbursable technical and training assistance as appropriate, including training and equipment for postal inspection of illicit drugs and other contraband, to enable the Government of the Federated States of Micronesia to develop and adequately enforce laws of the Federated States of Micronesia and to cooperate with the United States in the enforcement of criminal laws of the United States. Funds appropriated pursuant to section 105(j) of this title may be used to reimburse State or local agencies providing such assistance.

(b) AGREEMENT ON AUDITS.—The Comptroller General (and his duly authorized representatives) shall have the authorities necessary to carry out his responsibilities under section 232 of the U.S.-FSM Compact and the agreement referred to in section 462(b)(4) of the U.S.-FSM Compact, including the following authorities:

(1) GENERAL AUTHORITY OF THE COMPTROLLER GENERAL TO AUDIT.—

(A) The Comptroller General of the United States (and his duly authorized representatives) shall have the authority to audit—

(i) all grants, program assistance, and other assistance provided to the Government of the Federated States of Micronesia under Articles I and II of Title Two of the U.S.-FSM Compact; and

(ii) any other assistance provided by the Government of the United States to the Government of the Federated States of Micronesia.

Such authority shall include authority for the Comptroller General to conduct or cause to be conducted any of the audits provided for in section 232 of the U.S.-FSM Compact. The authority provided in this paragraph shall continue for at least ten years after the last such grant has been made or assistance has been provided.

(B) The Comptroller General (and his duly authorized representatives) shall also have authority to review any audit conducted by or on behalf of the Government of the United States. In this connection, the Comptroller General shall have access to such personnel and to such records, documents, working papers, automated data and files, and other information relevant to such review.

(2) COMPTROLLER GENERAL ACCESS TO RECORDS.—

(A) In carrying out paragraph (1), the Comptroller General (and his duly authorized representatives) shall have such access to the personnel and (without cost) to records, documents, working papers, automated data and files, and other information relevant to such audits. The Comptroller General may duplicate any such records, documents, working papers, automated data and files, or other information relevant to such audits.

(B) Such records, documents, working papers, automated data and files, and other information regarding each such grant or other assistance shall be maintained for at least ten years after the date such grant or assistance was provided and in a manner that permits such grants, assistance, and payments to be accounted for distinct from any other funds of the Government of the Federated States of Micronesia.

(3) STATUS OF COMPTROLLER GENERAL REPRESENTATIVES.—The Comptroller General and his duly authorized representatives shall be immune from civil and criminal process relating to words spoken or written and all acts performed by them in their official capacity and falling within their functions, except insofar as such immunity may be expressly waived by the Government of the United States. The Comptroller General and his duly authorized representatives shall not be liable to arrest or detention pending trial, except in the case of a grave crime and pursuant to a decision by a competent judicial authority, and such persons shall enjoy immunity from seizure of personal property, immigration restrictions, and laws relating to alien registration, fingerprinting, and the registration of foreign agents. Such persons shall enjoy the same taxation exemptions as are set forth in Article 34 of the Vienna Convention on Diplomatic Relations. The privileges, exemptions and immunities accorded under this paragraph are not for the personal benefit of the individuals concerned but are to safeguard the independent exercise of their official functions. Without prejudice to those privileges, exemptions and immunities, it is the duty of all such persons to respect the laws and regulations of the Government of the Federated States of Micronesia.

(4) AUDITS DEFINED.—As used in this subsection, the term ''audits'' includes financial, program, and management audits, including determining—

(A) whether the Government of the Federated States of Micronesia has met the requirements set forth in the U.S.-FSM Compact, or any related agreement entered into under the U.S.-FSM Compact, regarding the purposes for which such grants and other assistance are to be used; and

(B) the propriety of the financial transactions of the Government of the Federated States of Micronesia pursuant to such grants or assistance.

(5) COOPERATION BY FEDERATED STATES OF MICRONESIA.—The Government of the Federated States of Micronesia will cooperate fully with the Comptroller General of the United States in the conduct of such audits as the Comptroller General determines necessary to enable the Comptroller General to fully discharge his responsibilities under this joint resolution.

SEC. 103. AGREEMENTS WITH AND OTHER PROVISIONS RELATED TO THE REPUBLIC OF THE MARSHALL ISLANDS.

(a) LAW ENFORCEMENT ASSISTANCE.—Pursuant to sections 222 and 224 of the U.S.-RMI Compact, the United States shall provide non-reimbursable technical and training assistance as appropriate, including training and equipment for postal inspection of illicit drugs and other contraband, to enable the Government of the Marshall Islands to develop and adequately enforce laws of the Marshall Islands and to cooperate with the United States in the enforcement of criminal laws of the United States. Funds appropriated pursuant to section 105(j) of this title may be used to reimburse State or local agencies providing such assistance.

(b) EJIT.—

(1) In the joint resolution of January 14, 1986 (Public Law 99–239) Congress provided that the President of the United States shall negotiate with the Government of the Marshall Islands an agreement whereby, without prejudice as to any claims which have been or may be asserted by any party as to rightful title and ownership of any lands on Ejit, the Government of the Marshall Islands shall assure that lands on Ejit used as of January 1, 1985, by the people of Bikini, will continue to be available without charge for their use, until such time as Bikini is restored and inhabitable and the continued use of Ejit is no longer necessary, unless a Marshall Islands court of competent jurisdiction finally determines that there are legal impediments to continued use of Ejit by the people of Bikini.

(2) In the joint resolution of January 14, 1986 (Public Law 99–239) Congress provided that if the impediments described in paragraph (1) do arise, the United States will cooperate with the Government of the Marshall Islands in assisting any person adversely affected by such judicial determination to remain on Ejit, or in locating suitable and acceptable alternative lands for such person's use.

(3) In the joint resolution of January 14, 1986 (Public Law 99–239) Congress provided that paragraph (1) shall not be applied in a manner which would prevent the Government of the Marshall Islands from acting in accordance with its constitutional processes to resolve title and ownership claims with respect to such lands or from taking substitute or additional measures to meet the needs of the people of Bikini with their democratically expressed consent and approval.

(c) KWAJALEIN.—

(1) It is the policy of the United States that payment of funds by the Government of the Marshall Islands to the landowners of Kwajalein Atoll in accordance with the land use agreement dated October 19, 1982, or as amended or superceded, and any related allocation agreements, is required in order to ensure that the Government of the United States will be able to fulfill its obligation and responsibilities under Title Three of the Compact and the subsidiary agreements concluded pursuant to the Compact.

(2)(A) If the Government of the Marshall Islands fails to make payments in accordance with paragraph (1), the Government of the United States shall initiate procedures under section 313 of the Compact and consult with the Government of the Marshall Islands with respect to the basis for the nonpayment of funds.

(B) The United States shall expeditiously resolve the matter of any nonpayment of funds required under paragraph (1) pursuant to section 313 of the Compact and the authority and responsibility of the Government of the United States for security and defense matters in or relating to the Marshall Islands.

(C) This paragraph shall be enforced in accordance with section 105(f)(2).

(3) Until such time as the Government of the Marshall Islands and the landowners of Kwajalein Atoll have concluded an agreement amending or superceding the land use agreement dated October 19, 1982, any amounts paid by the United States to the Government of the Marshall Islands in excess of the amounts required to be paid pursuant to the land use agreement dated October 19, 1982, shall be paid into, and held in, an interest bearing account in a United States financial institution by the Government of the Republic of the Marshall Islands.

(4)(A) The Government of the Republic of the Marshall Islands shall notify the Government of the United States when an agreement amending or superceding the land use agreement dated October 19, 1982, is concluded.

(B) If no agreement amending or superceding the land use agreement dated October 19, 1982, is concluded by the date five years after the date of enactment of this resolution, the President shall report to Congress on the intentions of the United States with respect to the use of Kwajalein Atoll after 2016, and on any plans to relocate activities carried out at Kwajalein Atoll.

(d) SECTION 177 AGREEMENT.—

(1) In the joint resolution of January 14, 1986 (Public Law 99–239) Congress provided that in furtherance of the purposes of Article I of the Subsidiary Agreement for Implementation of Section 177 of the Compact, the payment of the amount specified therein shall be made by the United States under Article I of the Agreement between the Government of the United States and the Government of the Marshall Islands for the Implementation of section 177 of the Compact (hereafter in this subsection referred to as the ''Section 177 Agreement'') only after the Government of the Marshall Islands has notified the President of the United States as to which investment management firm has been selected by such Government to act as Fund Manager under Article I of the Section 177 Agreement.

(2) In the joint resolution of January 14, 1986 (Public Law 99–239) Congress provided that in the event that the President determines that an investment management firm selected by the Government of the Marshall Islands does not meet the requirements specified in Article I of the Section 177 Agreement, the United States shall invoke the conference and dispute resolution procedures of Article II of Title Four of the Compact. Pending the resolution of such a dispute and until a qualified Fund Manager has been designated, the Government of the Marshall Islands shall place the funds paid by the United States pursuant to Article I of the Section 177 Agreement into an interest-bearing escrow account. Upon designation of a qualified Fund Manager, all funds in the escrow account shall be transferred to the control of such Fund Manager for management pursuant to the Section 177 Agreement.

(3) In the joint resolution of January 14, 1986 (Public Law 99–239) Congress provided that if the Government of the Marshall Islands determines that some other investment firm should act as Fund Manager in place of the firm first (or subsequently) selected by such Government, the Government of the Marshall Islands shall so notify the President of the United States, identifying the firm selected by such Government to become Fund Manager, and the President shall proceed to evaluate the qualifications of such identified firm.

(4) In the joint resolution of January 14, 1986 (Public Law 99–239) Congress provided that at the end of 15 years after the effective date of the Compact, the firm then acting as Fund Manager shall transfer to the Government of the Marshall Islands, or to such account as such Government shall so notify the Fund Manager, all remaining funds and assets being managed by the Fund Manager under the Section 177 Agreement.

(e) NUCLEAR TEST EFFECTS.—In the joint resolution of January 14, 1986 (Public Law 99–239) Congress provided that in approving the Compact, the Congress understands and intends that the peoples of Bikini, Enewetak, Rongelap, and Utrik, who were affected by the United States nuclear weapons testing program in the Marshall Islands, will receive the amounts of $75,000,000 (Bikini); $48,750,000 (Enewetak); $37,500,000 (Rongelap); and $22,500,000 (Utrik), respectively, which amounts shall be paid out of proceeds from the fund established under Article I, section 1 of the subsidiary agreement for the implementation of section 177 of the Compact. The amounts specified in this subsection shall be in addition to any amounts which may be awarded to claimants pursuant to Article IV of the subsidiary agreement for the implementation of Section 177 of the Compact. Nothing in this subsection creates any rights or obligations beyond those provided for in the original enacted version of Public Law 99–239.

(f) ESPOUSAL PROVISIONS.—

(1) In the joint resolution of January 14, 1986 (Public Law 99–239) Congress provided that it is the intention of the Congress of the United States that the provisions of section 177 of the Compact of Free Association and the Agreement between the Government of the United States and the Government of the Marshall Islands for the Implementation of Section 177 of the Compact (hereafter in this subsection referred to as the ''Section 177 Agreement'') constitute a full and final settlement of all claims described in Articles X and XI of the Section 177 Agreement, and that any such claims be terminated and barred except insofar as provided for in the Section 177 Agreement.

(2) In the joint resolution of January 14, 1986 (Public Law 99–239) Congress provided that in furtherance of the intention of Congress as stated in paragraph (1) of this subsection, the Section 177 Agreement is hereby ratified and approved. It is the explicit understanding and intent of Congress that the jurisdictional limitations set forth in Article XII of such Agreement are enacted solely and exclusively to accomplish the objective of Article X of such Agreement and only as a clarification of the effect of Article X, and are not to be construed or implemented separately from Article X.

(g) DOE RADIOLOGICAL HEALTH CARE PROGRAM; USDA AGRICULTURAL AND FOOD PROGRAMS.—

(1) Notwithstanding any other provision of law, upon the request of the Government of the Republic of the Marshall Islands, the President (either through an appropriate department or agency of the United States or by contract with a United States firm) shall continue to provide special medical care and logistical support thereto for the remaining members of the population of Rongelap and Utrik who were exposed to radiation resulting from the 1954 United States thermo-nuclear ''Bravo'' test, pursuant to Public Laws 95–134 and 96–205.

(2)(A) In the joint resolution of January 14, 1986 (Public Law 99–239), Congress provided that notwithstanding any other provision of law, upon the request of the Government of the Marshall Islands, for the first fifteen years after the effective date of the Compact, the President (either through an appropriate department or agency of the United States or by contract with a United States firm or by a grant to the Government of the Republic of the Marshall Islands which may further contract only with a United States firm or a Republic of the Marshall Islands firm, the owners, officers and majority of the employees of which are citizens of the United States or the Republic of the Marshall Islands) shall provide technical and other assistance—

(i) without reimbursement, to continue the planting and agricultural maintenance program on Enewetak, as provided in subparagraph (C);

(ii) without reimbursement, to continue the food programs of the Bikini and Enewetak people described in section 1(d) of Article II of the Subsidiary Agreement for the Implementation of Section 177 of the Compact and for continued waterborne transportation of agricultural products to Enewetak including operations and maintenance of the vessel used for such purposes.

(B) The President shall ensure the assistance provided under these programs reflects the changes in the population since the inception of such programs.

(C)(i) The planting and agricultural maintenance program on Enewetak shall be funded at a level of not less than $1,300,000 per year, as adjusted for inflation under section 218 of the U.S.-RMI Compact.

(ii) There is hereby authorized and appropriated to the Secretary of the Interior, out of any funds in the Treasury not otherwise appropriated, to remain available until expended, for each fiscal year from 2004 through 2023, $1,300,000, as adjusted for inflation under section 218 of the U.S.-RMI Compact, to carry out the planting and agricultural maintenance program.

(3) In the joint resolution of January 14, 1986 (Public Law 99–239) Congress provided that payments under this subsection shall be provided to such extent or in such amounts as are necessary for services and other assistance provided pursuant to this subsection. It is the sense of Congress that after the periods of time specified in paragraphs (1) and (2) of this subsection, consideration will be given to such additional funding for these programs as may be necessary.

(h) RONGELAP.—

(1) In the joint resolution of January 14, 1986 (Public Law 99–239) Congress provided that because Rongelap was directly affected by fallout from a 1954 United States thermonuclear test and because the Rongelap people remain unconvinced that it is safe to continue to live on Rongelap Island, it is the intent of Congress to take such steps (if any) as may be necessary to overcome the effects of such fallout on the habitability of Rongelap Island, and to restore Rongelap Island, if necessary, so that it can be safely inhabited. Accordingly, it is the expectation of the Congress that the Government of the Marshall Islands shall use such portion of the funds specified in Article II, section 1(e) of the subsidiary agreement for the implementation of section 177 of the Compact as are necessary for the purpose of contracting with a qualified scientist or group of scientists to review the data collected by the Department of Energy relating to radiation levels and other conditions on Rongelap Island resulting from the thermonuclear test. It is the expectation of the Congress that the Government of the Marshall Islands, after consultation with the people of Rongelap, shall select the party to review such data, and shall contract for such review and for submission of a report to the President of the United States and the Congress as to the results thereof.

(2) In the joint resolution of January 14, 1986 (Public Law 99–239) Congress provided that the purpose of the review referred to in paragraph (1) of this subsection shall be to establish whether the data cited in support of the conclusions as to the habitability of Rongelap Island, as set forth in the Department of Energy report entitled: ''The Meaning of Radiation for Those Atolls in the Northern Part of the Marshall Islands That Were Surveyed in 1978'', dated November 1982, are adequate and whether such conclusions are fully supported by the data. If the party reviewing the data concludes that such conclusions as to habitability are fully supported by adequate data, the report to the President of the United States and the Congress shall so state. If the party reviewing the data concludes that the data are inadequate to support such conclusions as to habitability or that such conclusions as to

habitability are not fully supported by the data, the Government of the Marshall Islands shall contract with an appropriate scientist or group of scientists to undertake a complete survey of radiation and other effects of the nuclear testing program relating to the habitability of Rongelap Island. Such sums as are necessary for such survey and report concerning the results thereof and as to steps needed to restore the habitability of Rongelap Island are authorized to be made available to the Government of the Marshall Islands.

(3) In the joint resolution of January 14, 1986 (Public Law 99–239) Congress provided that it is the intent of Congress that such steps (if any) as are necessary to restore the habitability of Rongelap Island and return the Rongelap people to their homeland will be taken by the United States in consultation with the Government of the Marshall Islands and, in accordance with its authority under the Constitution of the Marshall Islands, the Rongelap local government council.

(i) FOUR ATOLL HEALTH CARE PROGRAM.—

(1) In the joint resolution of January 14, 1986 (Public Law 99–239) Congress provided that services provided by the United States Public Health Service or any other United States agency pursuant to section 1(a) of Article II of the Agreement for the Implementation of Section 177 of the Compact (hereafter in this subsection referred to as the ''Section 177 Agreement'') shall be only for services to the people of the Atolls of Bikini, Enewetak, Rongelap, and Utrik who were affected by the consequences of the United States nuclear testing program, pursuant to the program described in Public Law 95–134 (91 Stat. 1159) and Public Law 96–205 (94 Stat. 84) and their descendants (and any other persons identified as having been so affected if such identification occurs in the manner described in such public laws). Nothing in this subsection shall be construed as prejudicial to the views or policies of the Government of the Marshall Islands as to the persons affected by the consequences of the United States nuclear testing program.

(2) In the joint resolution of January 14, 1986 (Public Law 99–239) Congress provided that at the end of the first year after the effective date of the Compact and at the end of each year thereafter, the providing agency or agencies shall return to the Government of the Marshall Islands any unexpended funds to be returned to the Fund Manager (as described in Article I of the Section 177 Agreement) to be covered into the Fund to be available for future use.

(3) In the joint resolution of January 14, 1986 (Public Law 99–239) Congress provided that the Fund Manager shall retain the funds returned by the Government of the Marshall Islands pursuant to paragraph (2) of this subsection, shall invest and manage such funds, and at the end of 15 years after the effective date of the Compact, shall make from the total amount so retained and the proceeds thereof annual disbursements sufficient to continue to make payments for the provision of health services as specified in paragraph (1) of this subsection to such extent as may be provided in contracts between the Government of the Marshall Islands and appropriate United States providers of such health services.

(j) ENJEBI COMMUNITY TRUST FUND.—In the joint resolution of January 14, 1986 (Public Law 99–239) Congress provided that notwithstanding any other provision of law, the Secretary of the Treasury shall establish on the books of the Treasury of the United States a fund having the status specified in Article V of the subsidiary agreement for the implementation of Section 177 of the Compact, to be known as the ''Enjebi Community Trust Fund'' (hereafter in this subsection referred to as the ''Fund''), and shall credit to the Fund the amount of $7,500,000. Such amount, which shall be ex gratia, shall be in addition to and not charged against any other funds provided for in the Compact and its subsidiary agreements, this joint resolution, or any other Act. Upon receipt by the President of the United States of the agreement described in this subsection, the Secretary of the Treasury, upon request of the Government of the Marshall Islands, shall transfer the Fund to the Government of the Marshall Islands, provided that the Government of the Marshall Islands agrees as follows:

(1) ENJEBI TRUST AGREEMENT.—In the joint resolution of January 14, 1986 (Public Law 99–239) Congress provided that the Government of the Marshall Islands and the Enewetak Local Government Council, in consultation with the people of Enjebi, shall provide for the creation of the Enjebi Community Trust Fund and the employment of the manager of the Enewetak Fund established pursuant to the Section 177 Agreement as trustee and manager of the Enjebi Community Trust Fund, or, should the manager of the Enewetak Fund not be acceptable to the people of Enjebi, another United States investment manager with substantial experience in the administration of trusts and with funds under management in excess of 250 million dollars.

(2) MONITOR CONDITIONS.—In the joint resolution of January 14, 1986 (Public Law 99–239) Congress provided that upon the request of the Government of the Marshall Islands, the United States shall monitor the radiation and other conditions on Enjebi and within one year of receiving such a request shall report to the Government of the Marshall Islands when the people of Enjebi may resettle Enjebi under circumstances where the radioactive contamination at Enjebi, including contamination derived from consumption of locally grown food products, can be reduced or otherwise controlled to meet whole body Federal radiation protection standards for the general population, including mean annual dose and mean 30-year cumulative dose standards.

(3) RESETTLEMENT OF ENJEBI.—In the joint resolution of January 14, 1986 (Public Law 99–239) Congress provided that in the event that the United States determines that the people of Enjebi can within 25 years of January 14, 1986, resettle Enjebi under the conditions set forth in paragraph (2) of this subsection, then upon such determination there shall be available to the people of Enjebi from the Fund such amounts as are necessary for the people of Enjebi to do the following, in accordance with a plan developed by the Enewetak Local Government Council and the people of Enjebi, and concurred with by the Government of the Marshall Islands to assure consistency with the government's overall economic development plan:

(A) Establish a community on Enjebi Island for the use of the people of Enjebi.

(B) Replant Enjebi with appropriate food-bearing and other vegetation.

(4) RESETTLEMENT OF OTHER LOCATION.—In the joint resolution of January 14, 1986 (Public Law 99–239) Congress provided that in the event that the United States determines that within 25 years of January 14, 1986, the people of Enjebi cannot resettle Enjebi without exceeding the radiation standards set forth in paragraph (2) of this subsection, then the fund manager shall be directed by the trust instrument to distribute the Fund to the people of Enjebi for their resettlement at some other location in accordance with a plan, developed by the Enewetak Local Government Council and the people of Enjebi and concurred with by the Government of the Marshall Islands, to assure consistency with the government's overall economic development plan.

(5) INTEREST FROM FUND.—In the joint resolution of January 14, 1986 (Public Law 99–239) Congress provided that prior to and during the distribution of the corpus of the Fund pursuant to paragraphs (3) and (4) of this subsection, the people of Enjebi may, if they so request, receive the interest earned by the Fund on no less frequent a basis than quarterly.

(6) DISCLAIMER OF LIABILITY.—In the joint resolution of January 14, 1986 (Public Law 99–239) Congress provided that neither under the laws of the Marshall Islands nor under the laws of the United States, shall the Government of the United States be liable for any loss or damage to person or property in respect to the resettlement of Enjebi by the people of Enjebi, pursuant to the provision of this subsection or otherwise.

(k) BIKINI ATOLL CLEANUP.—

(1) DECLARATION OF POLICY.—In the joint resolution of January 14, 1986 (Public Law 99–239), the Congress determined and declared that it is the policy of the United States, to be supported by the full faith and credit of the United States, that because the United States, through its nuclear testing and other activities, rendered Bikini Atoll unsafe for habitation by the people of Bikini, the United States will fulfill its responsibility for restoring Bikini Atoll to habitability, as set forth in paragraph (2) and (3) of this subsection.

(2) CLEANUP FUNDS.—The joint resolution of January 14, 1986 (Public Law 99–239) authorized to be appropriated such sums as necessary to implement the settlement agreement of March 15, 1985, in The People of Bikini, et al. against United States of America, et al., Civ. No. 84–0425 (D. Ha.).

(3) CONDITIONS OF FUNDING.—In the joint resolution of January 14, 1986 (Public Law 99–239) the Congress provided that the funds referred to in paragraph (2) were to be made available pursuant to Article VI, Section 1 of the Compact Section 177 Agreement upon completion of the events set forth in the settlement agreement referred to in paragraph (2) of this subsection.

(l) AGREEMENT ON AUDITS.—The Comptroller General (and his duly authorized representatives) shall have the authorities necessary to carry out his responsibilities under section 232 of the U.S.-RMI Compact and the agreement referred to in section 462(b)(4) of the U.S.-RMI Compact, including the following authorities:

(1) GENERAL AUTHORITY OF THE COMPTROLLER GENERAL TO AUDIT.—

(A) The Comptroller General of the United States (and his duly authorized representatives) shall have the authority to audit—

(i) all grants, program assistance, and other assistance provided to the Government of the Republic of the Marshall Islands under Articles I and II of Title Two of the U.S.-RMI Compact; and

(ii) any other assistance provided by the Government of the United States to the Government of the Republic of the Marshall Islands.

Such authority shall include authority for the Comptroller General to conduct or cause to be conducted any of the audits provided for in section 232 of the U.S.-RMI Compact. The authority provided in this paragraph shall continue for at least three years after the last such grant has been made or assistance has been provided.

(B) The Comptroller General (and his duly authorized representatives) shall also have authority to review any audit conducted by or on behalf of the Government of the United States. In this connection, the Comptroller General shall have access to such personnel

and to such records, documents, working papers, automated data and files, and other information relevant to such review.

(2) COMPTROLLER GENERAL ACCESS TO RECORDS.—

(A) In carrying out paragraph (1), the Comptroller General (and his duly authorized representatives) shall have such access to the personnel and (without cost) to records, documents, working papers, automated data and files, and other information relevant to such audits. The Comptroller General may duplicate any such records, documents, working papers, automated data and files, or other information relevant to such audits.

(B) Such records, documents, working papers, automated data and files, and other information regarding each such grant or other assistance shall be maintained for at least three years after the date such grant or assistance was provided and in a manner that permits such grants, assistance and payments to be accounted for distinct from any other funds of the Government of the Republic of the Marshall Islands.

(3) STATUS OF COMPTROLLER GENERAL REPRESENTATIVES.—The Comptroller General and his duly authorized representatives shall be immune from civil and criminal process relating to words spoken or written and all acts performed by them in their official capacity and falling within their functions, except insofar as such immunity may be expressly waived by the Government of the United States. The Comptroller General and his duly authorized representatives shall not be liable to arrest or detention pending trial, except in the case of a grave crime and pursuant to a decision by a competent judicial authority, and such persons shall enjoy immunity from seizure of personal property, immigration restrictions, and laws relating to alien registration, fingerprinting, and the registration of foreign agents. Such persons shall enjoy the same taxation exemptions as are set forth in Article 34 of the Vienna Convention on Diplomatic Relations. The privileges, exemptions and immunities accorded under this paragraph are not for the personal benefit of the individuals concerned but are to safeguard the independent exercise of their official functions. Without prejudice to those privileges, exemptions and immunities, it is the duty of all such persons to respect the laws and regulations of the Government of the Republic of the Marshall Islands.

(4) AUDITS DEFINED.—As used in this subsection, the term ''audits'' includes financial, program, and management audits, including determining—

(A) whether the Government of the Republic of the Marshall Islands has met the requirements set forth in the U.S.-RMI Compact, or any related agreement entered into under the U.S.-RMI Compact, regarding the purposes for which such grants and other assistance are to be used; and

(B) the propriety of the financial transactions of the Government of the Republic of the Marshall Islands pursuant to such grants or assistance.

(5) COOPERATION BY THE REPUBLIC OF THE MARSHALL ISLANDS.—The Government of the Republic of the Marshall Islands will cooperate fully with the Comptroller General of the United States in the conduct of such audits as the Comptroller General determines necessary to enable the Comptroller General to fully discharge his responsibilities under this joint resolution.

SEC. 104. INTERPRETATION OF AND UNITED STATES POLICY REGARDING U.S.-FSM COMPACT AND U.S.-RMI COMPACT.

(a) HUMAN RIGHTS.—In approving the U.S.-FSM Compact and the U.S.-RMI Compact, the Congress notes the conclusion in the Statement of Intent of the Report of The Future Political Status Commission of the Congress of Micronesia in July, 1969, that ''our recommendation of a free associated state is indissolubly linked to our desire for such a democratic, representative, constitutional government'' and notes that such desire and intention are reaffirmed and embodied in the Constitutions of the Federated States of Micronesia and the Republic of the Marshall Islands. The Congress also notes and specifically endorses the preamble to the U.S.-FSM Compact and the U.S.-RMI Compact, which affirms that the governments of the parties to the U.S.-FSM Compact and the U.S.-RMI Compact are founded upon respect for human rights and fundamental freedoms for all. The Secretary of State shall include in the annual reports on the status of internationally recognized human rights in foreign countries, which are submitted to the Congress pursuant to sections 116 and 502B of the Foreign Assistance Act of 1961 (22 U.S.C. 2151n, 2304), a full and complete report regarding the status of internationally recognized human rights in the Federated States of Micronesia and the Republic of the Marshall Islands.

(b) IMMIGRATION AND PASSPORT SECURITY.—

(1) NATURALIZED CITIZENS.—The rights of a bona fide naturalized citizen of the Federated States of Micronesia or the Republic of the Marshall Islands to enter the United States, to lawfully engage therein in occupations, and to establish residence therein as a nonimmigrant, to the extent such rights are provided under section 141 of the U.S.-FSM Compact and U.S.-RMI Compact, shall not be deemed to extend to any such naturalized citizen with respect to whom circumstances associated with the acquisition of the status of a naturalized citizen are such as to allow a reasonable inference, on the part of appropriate officials of the United States and subject to United States procedural requirements, that such naturalized status was acquired primarily in order to obtain such rights.

(2) PASSPORTS.—It is the intent of Congress that up to $250,000 of the grant assistance provided to the Federated States of Micronesia pursuant to section 211(a)(4) of the U.S.-FSM Compact, and up to $250,000 of the grant assistance provided to the Republic of the Marshall Islands pursuant to section 211(a)(4) of the U.S.-RMI Compact (or a greater amount of the section 211(a)(4) grant, if mutually agreed between the Government of the United States and the government of the Federated States of Micronesia or the government of the Republic of the Marshall Islands), be used for the purpose of increasing the machine-readability and security of passports issued by such jurisdictions. It is the intent of Congress that funds be obligated by September 30, 2004 and in the amount and manner specified by the Secretary of State in consultation with the Secretary of Homeland Security and, respectively, with the government of the Federated States of Micronesia and the government of the Republic of the Marshall Islands. The United States Government is authorized to require that passports used for the purpose of seeking admission under section 141 of the U.S.-FSM Compact and the U.S.-RMI Compact contain appropriate security enhancements.

(3) INFORMATION-SHARING.—It is the intent of Congress that the governments of the Federated States of Micronesia and the Republic of the Marshall Islands develop, prior to October 1, 2004, the capability to provide reliable and timely information as may reasonably be required by the Government of the United States in enforcing criminal and security-related grounds of inadmissibility and deportability under the Immigration and Nationality Act, as amended, and shall provide such information to the Government of the United States.

(4) TRANSITION; CONSTRUCTION OF SECTIONS 141(A)(3) AND 141(A)(4) OF THE U.S.-FSM COMPACT AND U.S.-RMI COMPACT.—The words ''the effective date of this Compact, as amended'' in sections 141(a)(3) and 141(a)(4) of the U.S.-FSM Compact and the U.S.-RMI Compact shall be construed to read, ''on the day prior to the enactment by the United States Congress of the Amended Compact Act.''.

(c) NONALIENATION OF LANDS.—The Congress endorses and encourages the maintenance of the policies of the Government of the Federated States of Micronesia and the Government of the Republic of the Marshall Islands to regulate, in accordance with their Constitutions and laws, the alienation of permanent interests in real property so as to restrict the acquisition of such interests to persons of Federated States of Micronesia citizenship and the Republic of the Marshall Islands citizenship, respectively.

(d) NUCLEAR WASTE DISPOSAL.—In approving the U.S.-FSM Compact and the U.S.-RMI Compact, the Congress understands that the Government of the Federated States of Micronesia and the Government of the Republic of the Marshall Islands will not permit any other government or any nongovernmental party to conduct, in the Republic of the Marshall Islands or in the Federated States of Micronesia, any of the activities specified in subsection (a) of section 314 of the U.S.-FSM Compact and the U.S.-RMI Compact.

(e) IMPACT OF COMPACTS ON GUAM, THE STATE OF HAWAII, THE COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS, AND AMERICAN SAMOA; RELATED AUTHORIZATION AND CONTINUING APPROPRIATION.—

(1) RECONCILIATION OF UNREIMBURSED IMPACT EXPENSES.—

(A) IN GENERAL.—Notwithstanding any other provision of law, the President, to address previously accrued and unreimbursed impact expenses, may at the request of the Governor of Guam or the Governor of the Commonwealth of the Northern Mariana Islands, reduce, release, or waive all or part of any amounts owed by the Government of Guam or the Government of the Commonwealth of the Northern Mariana Islands (or either government's autonomous agencies or instrumentalities), respectively, to any department, agency, independent agency, office, or instrumentality of the United States.

(B) TERMS AND CONDITIONS.—

(i) SUBSTANTIATION OF IMPACT COSTS.—Not later than 120 days after the date of the enactment of this resolution, the Governor of Guam and the Governor of the Commonwealth of the Northern Mariana Islands shall each submit to the Secretary of the Interior a report, prepared in consultation with an independent accounting firm, substantiating unreimbursed impact expenses claimed for the period from January 14, 1986, through September 30, 2003. Upon request of the Secretary of the Interior, the Governor of Guam and the Governor of the Commonwealth of the Northern Mariana Islands shall each submit to the Secretary of the Interior copies of all documents upon which the report submitted by that Governor under this clause was based.

(ii) CONGRESSIONAL NOTIFICATION.—The President shall notify Congress of his intent to exercise the authority granted in subparagraph (A).

(iii) CONGRESSIONAL REVIEW AND COMMENT.— Any reduction, release, or waiver under this Act shall not take effect until 60 days after the President notifies Congress of his intent to approve a request of the Governor of Guam or the Governor of the Commonwealth of the Northern Mariana Islands.

In exercising his authority under this section and in determining whether to give final approval to a request, the President shall take into consideration comments he may receive after Congressional review.

(iv) EXPIRATION.—The authority granted in subparagraph (A) shall expire on February 28, 2005.

(2) STATEMENT OF CONGRESSIONAL INTENT.—In approving the Compacts, it is not the intent of the Congress to cause any adverse consequences for Guam, the State of Hawaii, the Commonwealth of the Northern Mariana Islands, and American Samoa.

(3) ANNUAL REPORTS AND RECOMMENDATIONS.—One year after the date of enactment of this joint resolution, and at one year intervals thereafter, the Governors of Guam, the State of Hawaii, the Commonwealth of the Northern Mariana Islands, and American Samoa may provide to the Secretary of the Interior by February 1 of each year their comments with respect to the impacts of the Compacts on their respective jurisdiction. The Secretary of the Interior, upon receipt of any such comments, shall report to the Congress not later than May 1 of each year to include the following:

(A) The Governor's comments on the impacts of the Compacts as well as the Administration's analysis of such impact.

(B) Any adverse consequences resulting from the Compacts and recommendations for corrective action to eliminate those consequences.

(C) Matters relating to trade, taxation, immigration, labor laws, minimum wages, health, educational, social, and public safety services and infrastructure, and environmental regulation.

(D) With regard to immigration, statistics concerning the number of persons availing themselves of the rights described in section 141(a) of the Compact during the year covered by each report.

(E) With regard to trade, the reports shall include an analysis of the impact on the economy of American Samoa resulting from imports of canned tuna into the United States from the Federated States of Micronesia, and the Republic of the Marshall Islands.

(4) COMMITMENT OF CONGRESS TO REDRESS ADVERSE CONSEQUENCES.—The Congress hereby declares that, if any adverse consequences to Guam, the State of Hawaii, the Commonwealth of the Northern Mariana Islands, or American Samoa result from implementation of the Compacts, the Congress will act sympathetically and expeditiously to redress those adverse consequences.

(5) QUALIFIED NONIMMIGRANT.—For the purposes of this section, the term ''qualified nonimmigrant'' means person admitted to the United States pursuant to:

(A) section 141 of the Compact of Free Association between the United States and the Government of the Federated States of Micronesia set forth in Title I;

(B) section 141 of the Compact of Free Association between the United States and the Government of the Republic of the Marshall Islands set forth in Title I; or

(C) section 141 of the Compact of Free Association between the United States and the Government of the Republic of Palau.

(6) AUTHORIZATION AND CONTINUING APPROPRIATION.—There are hereby authorized and appropriated to the Secretary of the Interior, for each fiscal year beginning after September 30, 2003 through 2023, $30,000,000 for grants to the governments of Guam, the State of Hawaii, the Commonwealth of the Northern Mariana Islands, and American Samoa as a result of increased demands placed on educational, social, or public safety services or infrastructure related to such services due to the presence in Guam, the State of Hawaii, the Commonwealth of the Northern Mariana Islands, or American Samoa of qualified nonimmigrants from the Federated States of Micronesia, the Republic of the Marshall Islands, or the Republic of Palau.

(A) AWARDING.—The grants shall be—

(i) awarded and administered by the Department of the Interior, Office of Insular Affairs, or any successor thereto, in accordance with regulations, policies and procedures applicable to grants so awarded and administered; and

(ii) used only for health, educational, social, or public safety services, or infrastructure related to such services, specifically affected by qualified nonimmigrants.

(B) ENUMERATION.—For purposes of carrying out this section, the Secretary of the Interior shall provide for a periodic census of qualified nonimmigrants in Guam, the State of Hawaii, the Commonwealth of the Northern Mariana Islands, and American Samoa. The enumeration—

(i) shall be provided by the Secretary of the Interior beginning in fiscal year 2004 and thereafter in calendar years 2005, 2010, 2015, and 2020;

(ii) shall be supervised by the United States Bureau of the Census and any other supporting organization(s) as the Secretary of the Interior may select; and

(iii) after fiscal year 2003, shall be funded by the Secretary of the Interior by deducting such sums as are necessary from funds appropriated pursuant to the authorization contained in paragraph (6) of this subsection.

(C) ALLOCATION.—The Secretary of the Interior shall allocate to each of the governments of Guam, the State of Hawaii, the Commonwealth of the Northern Mariana Islands, and American Samoa, on the basis of the results of the most recent enumeration, grants in an aggregate amount equal to the total amount of funds appropriated under paragraph (6) of this subsection, as reduced by any deductions authorized by subparagraph (iii) of subparagraph (B) of paragraph (6) of this subsection, multiplied by a ratio derived by dividing the number of qualified nonimmigrants in such affected jurisdiction by the total number of qualified nonimmigrants in the governments of Guam, the Commonwealth of the Northern Mariana Islands, and American Samoa.

(7) AUTHORIZATION OF APPROPRIATIONS FOR GRANTS.—There are hereby authorized to the Secretary of the Interior for each of fiscal years 2004 through 2023 such sums as may be necessary for grants to the governments of Guam, the State of Hawaii, the Commonwealth of the Northern Mariana Islands, and American Samoa, as a result of increased demands placed on educational, social, or public safety services or infrastructure related to service due to the presence in Guam, Hawaii, the Commonwealth of the Northern Mariana Islands, and American Samoa of qualified nonimmigrants from the Federated States of Micronesia, the Republic of the Marshall Islands, and the Republic of Palau.

(8) AUTHORIZATION OF APPROPRIATIONS FOR THE REIMBURSEMENT OF HEALTH CARE SERVICES.—

(A) AUTHORIZATION.—In addition to amounts appropriated pursuant to the authorization provided in section 221(b) of Article II of Title Two of the U.S.-FSM Compact and the U.S.-RMI Compact, there are hereby authorized to be appropriated to the Secretary of the Interior such sums as may be necessary to reimburse designated health care providers for qualifying health care costs for medical debt referral claims for health care services furnished before October 1, 2003.

(B) DESIGNATED HEALTH CARE PROVIDERS.—For purposes of subparagraph (A), the term ''designated health care provider'' means an institutional provider of health care services (such as a public or private hospital) located in Hawaii, Guam, the Commonwealth of the Northern Mariana Islands, or American Samoa.

(C) QUALIFYING HEALTH CARE COSTS.—For purposes of subparagraph (A), the term ''qualifying health care costs'' means costs that the Secretary determines are incurred by a designated health care provider for health care services furnished in Hawaii, Guam, the Commonwealth of the Northern Mariana Islands, and American Samoa (as the case may be) to a citizen of the Republic of the Marshall Islands, the Federated States of Micronesia, or the Republic of Palau pursuant to medical referral programs in the Federated States of Micronesia and the Republic of the Marshall Islands.

(9) USE OF DOD MEDICAL FACILITIES AND NATIONAL HEALTH SERVICE CORPS.—

(A) DOD MEDICAL FACILITIES.—The Secretary of Defense shall make available, on a space available and reimbursable basis, the medical facilities of the Department of Defense for use by citizens of the Federated States of Micronesia, the Republic of the Marshall Islands, and the Republic of Palau who are properly referred to the facilities by government authorities responsible for provision of medical services in the Federated States of Micronesia, the Republic of the Marshall Islands, and the Republic of Palau.

(B) NATIONAL HEALTH SERVICE CORPS.—The Secretary of Health and Human Services shall continue to make the services of the National Health Service Corps available to the residents of the Federated States of Micronesia and the Republic of the Marshall Islands to the same extent and for so long as such services are authorized to be provided to persons residing in any other areas within or outside the United States.

(C) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this paragraph such sums as are necessary for each fiscal year.

(f) SENSE OF CONGRESS CONCERNING FUNDING OF PUBLIC INFRASTRUCTURE.—It is the sense of Congress that—

(1) not less than 30 percent of the United States annual grant assistance provided under section 211 of the Compact of Free Association, as amended, between the Government of the United States of America and the Government of the Federated States of Micronesia, and not less than 30 percent of the total amount of section 211 funds allocated to each of the states of the Federated States of Micronesia, shall be invested in infrastructure improvements in accordance with the list of specific projects included in the plan described in section 211(a)(6)(i) and for maintenance in accordance with section 211(a)(6)(ii); and

(2) not less than 30 percent of the United States annual grant assistance provided under section 211 of the Compact of Free Association, as amended, between the Government of the United States of America and the Government of the Republic of the Marshall Islands, shall be used for infrastructure improvement and maintenance in accordance with section 211(d).

(g) FOREIGN LOANS.—The Congress hereby reaffirms the United States position that the United States Government is not responsible for foreign loans or debt obtained by the Governments of the Federated States of Micronesia and the Republic of the Marshall Islands.

(h) REPORTS AND REVIEWS.—

(1) REPORT BY THE PRESIDENT.—Not later than the end of the first full calendar year following enactment of this resolution, and not later than December 31 of each year

thereafter, the President shall submit a report to Congress regarding the Federated States of Micronesia and the Republic of the Marshall Islands. The report shall include, at a minimum, the following with regard to:

(A) General social, political, and economic conditions, including estimates of economic growth, per capita income, and migration rates.

(B) The use and effectiveness of United States financial and program assistance.

(C) The status of economic policy reforms in the Federated States of Micronesia and the Republic of the Marshall Islands.

(D) The status of the efforts by the Federated States of Micronesia and the Republic of the Marshall Islands to attract foreign investment and to increase indigenous business activity.

(E) Recommendations on ways to increase the effectiveness of United States assistance.

(2) REVIEW.—During the year of the fifth and fifteenth anniversaries of the date of enactment of this resolution, the Government of the United States shall review the terms of the respective Compacts and shall consider the overall nature and development of the U.S.-FSM and U.S.-RMI relationships. In these reviews, the Government of the United States shall consider the operating requirements of the Government of the Federated States of Micronesia and the Government of the Republic of the Marshall Islands and their progress in meeting the development objectives set forth in their respective development plans. The President shall include the findings resulting from the reviews, and any recommendations for actions to respond to such findings, in the annual reports to Congress for the years following the reviews.

(3) BY THE COMPTROLLER GENERAL.—Not later than the date that is 3 years after the date of enactment of this joint resolution, and every 5 years thereafter, the Comptroller General of the United States shall submit to Congress a report on the Federated States of Micronesia and the Republic of the Marshall Islands, including the topics set forth in paragraph (1) and the effectiveness of administrative oversight by the United States.

(i) CONSTRUCTION OF SECTION 141(F).—Section 141(f)(2) of the Compact of Free Association between the Government of the United States of America and the Government of the Federated States of Micronesia and of the Compact of Free Association between the Government of the United States of America and the Government of the Republic of the Marshall Islands, shall be construed as though '', except that any such regulations that would have a significant effect on the admission, stay and employment privileges provided under this section shall not become effective until 90 days after the date of transmission of the regulations to the Committee on Energy and Natural Resources and the Committee on the Judiciary of the Senate and the Committee on Resources, the Committee on International Relations, and the Committee on the Judiciary of the House of Representatives'' was inserted after ''may by regulations prescribe''.

SEC. 105. SUPPLEMENTAL PROVISIONS.

(a) DOMESTIC PROGRAM REQUIREMENTS.—Except as may otherwise be provided in this joint resolution, all United States Federal programs and services extended to or operated in the Federated States of Micronesia or the Republic of the Marshall Islands are and shall remain subject to all applicable criteria, standards, reporting requirements, auditing procedures, and other rules and regulations applicable to such programs when operating in the United States (including its territories and commonwealths).

(b) RELATIONS WITH THE FEDERATED STATES OF MICRONESIA AND THE REPUBLIC OF THE MARSHALL ISLANDS.—

(1) Appropriations made pursuant to Article I of Title Two and subsection (a)(2) of section 221 of Article II of Title Two of the U.S.-FSM Compact and the U.S.-RMI Compact shall be made to the Secretary of the Interior, who shall have the authority necessary to fulfill his responsibilities for monitoring and managing the funds so appropriated consistent with the U.S.-FSM Compact and the U.S.-RMI Compact, including the agreements referred to in section 462(b)(4) of the U.S.-FSM Compact and U.S.-RMI Compact (relating to Fiscal Procedures) and the agreements referred to in section 462(b)(5) of the U.S.-FSM Compact and the U.S.-RMI Compact (regarding the Trust Fund).

(2) Appropriations made pursuant to subsections (a)(1) and (a)(3) through (6) of section 221 of Article II of Title Two of the U.S.-FSM Compact and subsection (a)(1) and (a)(3) through (5) of the U.S.-RMI Compact shall be made directly to the agencies named in those subsections.

(3) Appropriations for services and programs referred to in subsection (b) of section 221 of Article II of Title Two of the U.S.-FSM Compact or U.S.-RMI Compact and appropriations for services and programs referred to in sections 105(f) and 108(a) of this joint resolution shall be made to the relevant agencies in accordance with the terms of the appropriations for such services and programs.

(4) Federal agencies providing programs and services to the Federated States of Micronesia and the Republic of the Marshall Islands shall coordinate with the Secretaries of the Interior and State regarding provision of such programs and services. The Secretaries of the Interior and State shall consult with appropriate officials of the Asian Development Bank and with the Secretary of the Treasury regarding overall economic conditions in the Federated States of Micronesia and the Republic of the Marshall Islands and regarding the activities of other donors of assistance to the Federated States of Micronesia and the Republic of the Marshall Islands.

(5) United States Government employees in either the Federated States of Micronesia or the Republic of the Marshall Islands are subject to the authority of the United States Chief of Mission, including as elaborated in section 207 of the Foreign Service Act and the President's Letter of Instruction to the United States Chief of Mission and any order or directive of the President in effect from time to time.

(6)(A) The President is hereby authorized to appoint an Interagency Group on Freely Associated States' Affairs to provide policy guidance and recommendations on implementation of the U.S.-FSM Compact and the U.S.-RMI Compact to Federal departments and agencies.

(B) It is the sense of Congress that the Secretary of State and the Secretary of the Interior should be represented on the Interagency Group.

(7)(A)(i) The three United States appointees (United States chair plus two members) to the Joint Economic Management Committee provided for in section 213 of the U.S.-FSM Compact and Article III of the U.S.-FSM Fiscal Procedures Agreement referred to in section 462(b)(4) of the U.S.-FSM Compact shall be United States Government officers or employees.

(ii) It is the sense of Congress that at least one appointee each should be designated from both the Department of State and the Department of the Interior.

(iii) Section 213 of the U.S.-FSM Compact shall be construed to read as though the phrase, ''and on the implementation of economic policy reforms designed to encourage private sector investment,'' were inserted after ''with particular focus on those parts of the plan dealing with the sectors identified in subsection (a) of section 211''.

(B)(i) The three United States appointees (United States chair plus two members) to the Joint Economic Management and Financial Accountability Committee provided for in section 214 of the U.S.-RMI Compact and Article III of the U.S.-RMI Fiscal Procedures Agreement referred to in section 462(b)(4) of the U.S.-RMI Compact shall be United States Government officers or employees.

(ii) It is the sense of Congress that at least one appointee each should be designated from both the Department of State and the Department of the Interior.

(iii) Section 214 of the U.S.-RMI Compact shall be construed to read as though the phrase, ''and on the implementation of economic policy reforms designed to encourage private sector investment,'' were inserted after ''with particular focus on those parts of the framework dealing with the sectors and areas identified in subsection (a) of section 211''.

(8) It is the sense of Congress that the Secretary of State and the Secretary of the Interior shall assure that there are personnel resources committed in the appropriate numbers and locations to ensure effective oversight of United States financial and program assistance.

(9) The United States voting members (United States chair plus two or more members) of the Trust Fund Committee appointed by the Government of the United States pursuant to Article 7 of the Trust Fund Agreement implementing section 215 of the U.S.-FSM Compact and referred to in section 462(b)(5) of the U.S.-FSM Compact and any alternates designated by the Government of the United States shall be United States Government officers or employees. The United States voting members (United States chair plus two or more members) of the Trust Fund Committee appointed by the Government of the United States pursuant to Article 7 of the Trust Fund Agreement implementing section 216 of the U.S.-RMI Compact and referred to in section 462(b)(5) of the U.S.-RMI Compact and any alternates designated by the Government of the United States shall be United States Government officers or employees. It is the sense of Congress that at least one appointee each should be designated from both the Department of State and the Department of the Interior.

(10) The Trust Fund Committee provided for in Article 7 of the U.S.-FSM Trust Fund Agreement implementing section 215 of the U.S.-FSM Compact shall be a non-profit corporation incorporated under the laws of the District of Columbia. To the extent that any law, rule, regulation or ordinance of the District of Columbia, or of any State or political subdivision thereof in which the Trust Fund Committee is incorporated or doing business, impedes or otherwise interferes with the performance of the functions of the Trust Fund Committee pursuant to this joint resolution, such law, rule, regulation, or ordinance shall be deemed to be preempted by this joint resolution. The Trust Fund Committee provided for in Article 7 of the U.S.-RMI Trust Fund Agreement implementing section 216 of the U.S.-RMI Compact shall be a non-profit corporation incorporated under the laws of the District of Columbia. To the extent that any law, rule, regulation or ordinance of the District of Columbia, or of any State or political subdivision thereof in which the Trust Fund Committee is incorporated or doing business, impedes or otherwise interferes with the performance of the functions of the Trust Fund Committee pursuant to this joint resolution, such law, rule, regulation, or ordinance shall

be deemed to be preempted by this joint resolution.

(c) JUDICIAL TRAINING.—(1) In addition to amounts provided under section 211(a)(4) of the U.S.-FSM Compact and the U.S.-RMI Compact, the President shall annually provide $200,000 to the Government of the Federated States of Micronesia and $100,000 to the Government of the Republic of the Marshall Islands to provide training for judges and officials of the judiciary.

(2) There is hereby authorized and appropriated to the Secretary of the Interior, out of any funds in the Treasury not otherwise appropriated, to remain available until expended, for each fiscal year from 2004 through 2023, $300,000, as adjusted for inflation under section 217 of the U.S.-FSM Compact and section 218 of the U.S.-RMI Compact, to carry out the purposes of this section.

(d) CONTINUING TRUST TERRITORY AUTHORIZATION.—The authorization provided by the Act of June 30, 1954, as amended (68 Stat. 330) shall remain available after the effective date of the Compact with respect to the Federated States of Micronesia and the Republic of the Marshall Islands for the following purposes:

(1) Prior to October 1, 1986, for any purpose authorized by the Compact or the joint resolution of January 14, 1986 (Public Law 99–239).

(2) Transition purposes, including but not limited to, completion of projects and fulfillment of commitments or obligations; termination of the Trust Territory Government and termination of the High Court; health and education as a result of exceptional circumstances; ex gratia contributions for the populations of Bikini, Enewetak, Rongelap, and Utrik; and technical assistance and training in financial management, program administration, and maintenance of infrastructure, except that, for purposes of an orderly reduction of United States programs and services in the Federated States of Micronesia, the Marshall Islands, and the Republic of Palau, United States programs or services not specifically authorized by the Compact of Free Association or by other provisions of law may continue but, unless reimbursed by the respective freely associated state, not in excess of the following amounts:

(A) For fiscal year 1987, an amount not to exceed 75 per centum of the total amount appropriated for such programs for fiscal year 1986.

(B) For fiscal year 1988, an amount not to exceed 50 per centum of the total amount appropriated for such programs for fiscal year 1986.

(C) For fiscal year 1989, an amount not to exceed 25 per centum of the total amount appropriated for such programs for fiscal year 1986.

(e) SURVIVABILITY.—In furtherance of the provisions of Title Four, Article V, sections 452 and 453 of the U.S.-FSM Compact and the U.S.-RMI Compact, any provisions of the U.S.-FSM Compact or the U.S.-RMI Compact which remain effective after the termination of the U.S.-FSM Compact or U.S.-RMI Compact by the act of any party thereto and which are affected in any manner by provisions of this title shall remain subject to such provisions.

(f) NONCOMPLIANCE SANCTIONS; ACTIONS INCOMPATIBLE WITH UNITED STATES AUTHORITY.—The Congress expresses its understanding that the Governments of the Federated States of Micronesia and the Republic of the Marshall Islands will not act in a manner incompatible with the authority and responsibility of the United States for security and defense matters in or related to the Federated States of Micronesia or the Republic of the Marshall Islands pursuant to the U.S.-FSM Compact or the U.S.-RMI Compact, including the agreements referred to in sections 462(a)(2) of the U.S.-FSM Compact and 462(a)(5) of the U.S.-RMI Compact. The Congress further expresses its intention that any such act on the part of either such Government will be viewed by the United States as a material breach of the U.S.-FSM Compact or U.S.-RMI Compact. The Government of the United States reserves the right in the event of such a material breach of the U.S.-FSM Compact by the Government of the Federated States of Micronesia or the U.S.-RMI Compact by the Government of the Republic of the Marshall Islands to take action, including (but not limited to) the suspension in whole or in part of the obligations of the Government of the United States to that Government.

(g) CONTINUING PROGRAMS AND LAWS.—

(1) FEDERATED STATES OF MICRONESIA AND REPUBLIC OF THE MARSHALL ISLANDS.—In addition to the programs and services set forth in section 221 of the Compact, and pursuant to section 222 of the Compact, the programs and services of the following agencies shall be made available to the Federated States of Micronesia and to the Republic of the Marshall Islands:

(A) The Government of the United States shall continue to make available to eligible institutions in the Federated States of Micronesia and the Republic of the Marshall Islands, and to students enrolled in such eligible institutions and in institutions in the United States and its territories, for fiscal years 2004 through 2023, grants under subpart 1 of part A of title IV of the Higher Education Act of 1965 (20 U.S.C. 1070a et seq.) on the same basis that such grants continue to be available to institutions and students in the United States.

(B) SUPPLEMENTAL EDUCATION GRANTS.—

(i) IN GENERAL.—In lieu of eligibility for appropriations under part A of title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311 et seq.), part B of the Individuals with Disabilities Education Act (20 U.S.C. 1411 et seq.), title I of the Workforce Investment Act of 1998 (29 U.S.C. 2801 et seq.), title II of the Workforce Investment Act of 1998 (20 U.S.C. 9201 et seq.; commonly known as the Adult Education and Family Literacy Act), title I of the Carl D. Perkins Vocational and Technical Education Act of 1998 (20 U.S.C. 2321 et seq.), and the Head Start Act (42 U.S.C. 9831 et seq.), there are authorized to be appropriated to the Secretary of Education for supplemental education grants to the Federated States of Micronesia and the Republic of the Marshall Islands the following amounts:

(I) $13,994,592 for the Federated States of Micronesia for fiscal year 2005 and an equivalent amount, as adjusted for inflation under section 217 of the U.S.-FSM Compact, for each of fiscal years 2006 through 2023.

(II) $6,705,408 for the Republic of the Marshall Islands for fiscal year 2005 and an equivalent amount, as adjusted for inflation under section 218 of the U.S.-RMI Compact, for each of fiscal years 2006 through 2023.

(ii) FISCAL PROCEDURES.—Assistance pursuant to this subparagraph shall be disbursed and monitored in accordance with the respective Fiscal Procedures Agreement referred to in section 462(b)(4) of the U.S.-FSM Compact and section 462(b)(4) of the U.S.-RMI Compact.

(iii) FORMULA EDUCATION GRANTS.—For fiscal years 2005 through 2023, except as provided in clause (i), the Governments of the Federated States of Micronesia and the Republic of the Marshall Islands shall not receive any grant under any formula-grant program administered by the Secretary of Education or the Secretary of Labor, nor any grant provided through the Head Start Act (42 U.S.C. 9831 et seq.) administered by the Secretary of Health and Human Services.

(iv) TRANSITION.—For fiscal year 2004, the Governments of the Federated States of Micronesia and the Republic of the Marshall Islands shall continue to be eligible for appropriations under the provisions of law specified in clause (i) and to receive grants under the programs described in clause (iii).

(C) COMPETITIVE EDUCATION GRANTS.—The Governments of the Federated States of Micronesia and the Republic of the Marshall Islands shall continue to be eligible for competitive grants administered by the Secretary of Education to the extent that such grants continue to be available to State and local governments in the United States.

(D) The Federal Emergency Management Agency, in the following manner: Paragraph (6) of section 221(a) of the U.S.-FSM Compact and paragraph (5) of section 221(a) of the U.S.-RMI Compact shall each be construed and applied as if each provision reads as follows: ''The Department of Homeland Security, Federal Emergency Management Agency disaster assistance programs and public assistance programs for public and private non-profit infrastructure and programs provided by the United States Agency for International Development, Office of Foreign Disaster Assistance, at levels equivalent to those available on the day preceding the effective date of the Compacts, to remain available until the later of—

(i) the 10-year period beginning on the date of enactment of the Compacts; or

(ii) the date on which the Disaster Assistance Emergency Fund referred to in section 211(d) of the U.S.-FSM Compact and section 211(e) of the U.S.-RMI Compact attains a balance of $4,000,000.

(E) The Legal Services Corporation.

(F) The Public Health Service.

(G) The Rural Housing Service (formerly, the Farmers Home Administration) in the Marshall Islands and each of the four States of the Federated States of Micronesia. In lieu of continuation of the program in the Federated States of Micronesia, the President may agree to transfer to the Government of the Federated States of Micronesia without cost, the portfolio of the Rural Housing Service applicable to the Federated States of Micronesia and provide such technical assistance in management of the portfolio as may be requested by the Federated States of Micronesia.

(2) TORT CLAIMS.—The provisions of section 178 of the U.S.-FSM Compact and the U.S.-RMI Compact regarding settlement and payment of tort claims shall apply to employees of any Federal agency of the Government of the United States (and to any other person employed on behalf of any Federal agency of the Government of the United States on the basis of a contractual, cooperative, or similar agreement) which provides any service or carries out any other function pursuant to or in furtherance of any provisions of the U.S.-FSM Compact or the U.S.-RMI Compact or this joint resolution, except for provisions of Title Three of the Compact and of the subsidiary agreements related to such Title, in such area to which such Agreement formerly applied.

(3) PCB CLEANUP.—The programs and services of the Environmental Protection Agency regarding PCBs shall, to the extent applicable, as appropriate, and in accordance with applicable law, be construed to be made available to such islands.

(h) COLLEGE OF MICRONESIA.—Until otherwise provided by Act of Congress, or until termination of the U.S.-FSM Compact and the U.S.-RMI Compact, the College of Micronesia shall retain its status as a land-grant institution and its eligibility for all benefits

and programs available to such land-grant institutions.

(i) TRUST TERRITORY DEBTS TO U.S. FEDERAL AGENCIES.—Neither the Government of the Federated States of Micronesia nor the Government of the Marshall Islands shall be required to pay to any department, agency, independent agency, office, or instrumentality of the United States any amounts owed to such department, agency, independent agency, office, or instrumentality by the Government of the Trust Territory of the Pacific Islands as of the effective date of the Compact. There is authorized to be appropriated such sums as may be necessary to carry out the purposes of this subsection.

(j) TECHNICAL ASSISTANCE.—Technical assistance may be provided pursuant to section 224 of the U.S.-FSM Compact or the U.S.-RMI Compact by Federal agencies and institutions of the Government of the United States to the extent such assistance may be provided to States, territories, or units of local government. Such assistance by the Forest Service, the Natural Resources Conservation Service, the USDA Resource Conservation and Development Program, the Fish and Wildlife Service, the National Marine Fisheries Service, the United States Coast Guard, and the Advisory Council on Historic Preservation, the Department of the Interior, and other agencies providing assistance under the National Historic Preservation Act (80 Stat. 915; 16 U.S.C. 470–470t), shall be on a nonreimbursable basis. During the period the U.S.-FSM Compact and the U.S.-RMI Compact are in effect, the grant programs under the National Historic Preservation Act shall continue to apply to the Federated States of Micronesia and the Republic of the Marshall Islands in the same manner and to the same extent as prior to the approval of the Compact. Any funds provided pursuant to sections 102(a), 103(a), 103(b), 103(f), 103(g), 103(h), 103(j), 105(c), 105(g), 105(h), 105(i), 105(j), 105(k), 105(l), and 105(m) of this joint resolution shall be in addition to and not charged against any amounts to be paid to either the Federated States of Micronesia or the Republic of the Marshall Islands pursuant to the U.S.-FSM Compact, the U.S.-RMI Compact, or their related subsidiary agreements.

(k) PRIOR SERVICE BENEFITS PROGRAM.—Notwithstanding any other provision of law, persons who on January 1, 1985, were eligible to receive payment under the Prior Service Benefits Program established within the Social Security System of the Trust Territory of the Pacific Islands because of their services performed for the United States Navy or the Government of the Trust Territory of the Pacific Islands prior to July 1, 1968, shall continue to receive such payments on and after the effective date of the Compact.

(l) INDEFINITE LAND USE PAYMENTS.—There are authorized to be appropriated such sums as may be necessary to complete repayment by the United States of any debts owed for the use of various lands in the Federated States of Micronesia and the Marshall Islands prior to January 1, 1985.

(m) COMMUNICABLE DISEASE CONTROL PROGRAM.—There are authorized to be appropriated for grants to the Government of the Federated States of Micronesia and the Government of the Republic of the Marshall Islands, such sums as may be necessary for purposes of establishing or continuing programs for the control and prevention of communicable diseases, including (but not limited to) cholera and Hansen's Disease. The Secretary of the Interior shall assist the Government of the Federated States of Micronesia and the Government of the Republic of the Marshall Islands in designing and implementing such a program.

(n) USER FEES.—Any person in the Federated States of Micronesia or the Republic of the Marshall Islands shall be liable for user fees, if any, for services provided in the Federated States of Micronesia or the Republic of the Marshall Islands by the Government of the United States to the same extent as any person in the United States would be liable for fees, if any, for such services in the United States.

(o) TREATMENT OF JUDGMENTS OF COURTS OF THE FEDERATED STATES OF MICRONESIA, THE REPUBLIC OF THE MARSHALL ISLANDS, AND THE REPUBLIC OF PALAU.—No judgment, whenever issued, of a court of the Federated States of Micronesia, the Republic of the Marshall Islands, or the Republic of Palau, against the United States, its departments and agencies, or officials of the United States or any other individuals acting on behalf of the United States within the scope of their official duty, shall be honored by the United States, or be subject to recognition or enforcement in a court in the United States, unless the judgment is consistent with the interpretation by the United States of international agreements relevant to the judgment. In determining the consistency of a judgment with an international agreement, due regard shall be given to assurances made by the Executive Branch to the Congress of the United States regarding the proper interpretation of the international agreement.

(p) INFLATION ADJUSTMENT.—As of Fiscal Year 2015, if United States Gross Domestic Product Implicit Price Deflator average for Fiscal Years 2009 through 2014 is greater than the United States Gross Domestic Product Implicit Price Deflator average for Fiscal Years 2004 through 2008 (as reported in the Survey of Current Business or subsequent publication and compiled by the Department of Interior), then section 217 of the U.S.–FSM Compact and paragraph 5 of Article II of the U.S.–FSM Fiscal Procedures Agreement and section 218 of the U.S.–RMI Compact and paragraph 5 of Article II of the U.S.–RMI Fiscal Procedures Agreement shall be construed as if ''the full'' appeared in place of ''two-thirds of the'' each place those words appear.

(q) ARMED SERVICES VOCATIONAL APTITUDE BATTERY TESTING.—In furtherance of the provisions of Title Three, Article IV, section 341 of the U.S.-FSM and the U.S.-RMI Compacts, the purpose of which is to establish the privilege to volunteer for service in the United States Armed Forces, it is the sense of Congress that, to facilitate eligibility of Federated States of Micronesia and Republic of the Marshall Islands secondary school students to qualify for such service, the Department of Defense may extend the Armed Services Vocational Aptitude Battery (ASVAB) Student Testing Program (STP) and the ASVAB Career Exploration Program to selected secondary schools in the Federated States of Micronesia and the Republic of the Marshall Islands to the extent such programs are available to Department of Defense Dependent Schools located in foreign jurisdictions.

(r) ESTABLISHMENT OF TRUST FUNDS; EXPEDITION OF PROCESS.—The Trust Fund Agreement executed pursuant to the U.S.-FSM Compact and the Trust Fund Agreement executed pursuant to the U.S.-RMI Compact each provide for the establishment of a trust fund. Such trust fund may be established by (1) creating a new legal entity to constitute the trust fund or (2) assuming control of an existing legal entity including, without limitation, a trust fund or other legal entity that was established by or at the direction of the Government of the United States, the Government of the Federated States of Micronesia, the Government of the Republic of the Marshall Islands, or otherwise, for the purpose of facilitating or expediting the establishment of the trust fund pursuant to the applicable Trust Fund Agreement. For the purpose of expediting the commencement of operations of a trust fund under either Trust Fund Agreement, such trust fund may, but shall not be obligated to, assume any obligations of an existing legal entity and take assignment of any contract or other agreement to which such existing legal entity is party. Without limiting the authority that the United States Government may otherwise have under applicable law, the United States Government may, but shall not be obligated to, provide financial, technical, or other assistance directly or indirectly to the Government of the Federated States of Micronesia or the Government of the Republic of the Marshall Islands for the purpose of establishing and operating trust funds or other legal entities that will solicit bids from, and enter into contracts with, parties willing to serve in such capacities as trustee, depositary, money manager, or investment advisor, with the intention that such contracts will ultimately be assumed by and assigned to trust funds established pursuant to a Trust Fund Agreement.

SEC. 106. CONSTRUCTION CONTRACT ASSISTANCE.

(a) ASSISTANCE TO U.S. FIRMS.—In order to assist the Governments of the Federated States of Micronesia and of the Republic of the Marshall Islands through private sector firms which may be awarded contracts for construction or major repair of capital infrastructure within the Federated States of Micronesia or the Republic of the Marshall Islands, the United States shall consult with the Governments of the Federated States of Micronesia and the Republic of the Marshall Islands with respect to any such contracts, and the United States shall enter into agreements with such firms whereby such firms will, consistent with applicable requirements of such Governments—

(1) to the maximum extent possible, employ citizens of the Federated States of Micronesia and the Republic of the Marshall Islands;

(2) to the extent that necessary skills are not possessed by citizens of the Federated States of Micronesia and the Republic of the Marshall Islands, provide on the job training, with particular emphasis on the development of skills relating to operation of machinery and routine and preventative maintenance of machinery and other facilities; and

(3) provide specific training or other assistance in order to enable the Government to engage in long-term maintenance of infrastructure.

Assistance by such firms pursuant to this section may not exceed 20 percent of the amount of the contract and shall be made available only to such firms which meet the definition of United States firm under the nationality rule for suppliers of services of the Agency for International Development (hereafter in this section referred to as ''United States firms''). There are authorized to be appropriated such sums as may be necessary for the purposes of this subsection.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to cover any additional costs incurred by the Government of the Federated States of Micronesia or the Republic of the Marshall Islands if such Governments, pursuant to an agreement entered into with the United States, apply a preference on the award of contracts to United States firms, provided that the amount of such preference does not exceed 10 percent of the amount of the lowest qualified bid from a non-United States firm for such contract.

SEC. 107. PROHIBITION.

The provisions of chapter 11 of title 18, United States Code, shall apply in full to any individual who has served as the United

States negotiator of amendments to the Compact or its subsidiary agreements or of related agreements or who is or was an officer or employee of the Office in the Department of State responsible for negotiating amendments to the Compact or its subsidiary agreements or who is or was assigned or detailed to that Office or who served on the interagency group coordinating United States policy on the Compact negotiations.

SEC. 108. COMPENSATORY ADJUSTMENTS.

(a) ADDITIONAL PROGRAMS AND SERVICES.—In addition to the programs and services set forth in section 221 of the U.S.–FSM Compact and the U.S.–RMI Compact, and pursuant to section 222 of the U.S.–FSM Compact and the U.S.–RMI Compact, the services and programs of the following United States agencies shall be made available to the Federated States of Micronesia and the Republic of the Marshall Islands: the Small Business Administration, Economic Development Administration, and the Rural Utilities Services (formerly Rural Electrification Administration) and the programs and services of the Department of Commerce relating to tourism and to marine resource development.

(b) FURTHER AMOUNTS.—

(1) The joint resolution of January 14, 1986 (Public Law 99–239) provided that the governments of the Federated States of Micronesia and the Marshall Islands may submit to Congress reports concerning the overall financial and economic impacts on such areas resulting from the effect of Title IV of that joint resolution upon Title Two of the Compact. There were authorized to be appropriated for fiscal years beginning after September 30, 1990, such amounts as necessary, but not to exceed $40 million for the Federated States of Micronesia and $20 million for the Marshall Islands, as provided in appropriation acts, to further compensate the governments of such islands (in addition to the compensation provided in subsections (a) and (b) of section 111 of the joint resolution of January 14, 1986 (Public Law 99–239) for adverse impacts, if any, on the finances and economies of such areas resulting from the effect of Title IV of that joint resolution upon Title Two of the Compact. The joint resolution of January 14, 1986 (Public Law 99–239) further provided that at the end of the initial fifteen-year term of the Compact, should any portion of the total amount of funds authorized in subsection 111 of that resolution not have been appropriated, such amount not yet appropriated may be appropriated, without regard to divisions between amounts authorized in subsection 111 for the Federated States of Micronesia and for the Marshall Islands, based on either or both such government's showing of such adverse impact, if any, as provided in that subsection.

(2) The governments of the Federated States of Micronesia and the Republic of the Marshall Islands may each submit no more than one report or request for further compensation under section 111 of the joint resolution of January 14, 1986 (Public Law 99–239) and any such report or request must be submitted by September 30, 2009. Only adverse economic effect occurring during the initial fifteen-year term of the Compact may be considered for compensation under section 111 of the joint resolution of January 14, 1986 (Public Law 99–239).

SEC. 109. AUTHORIZATION AND CONTINUING APPROPRIATION.

(a) There are authorized and appropriated to the Department of the Interior, out of any money in the Treasury not otherwise appropriated, to remain available until expended, such sums as are necessary to carry out the purposes of sections 211, 212(b), 215, and 217 of the U.S.-FSM Compact and sections 211, 212, 213(b), 216, and 218 of the U.S.-RMI Compact, in this and subsequent years.

(b) There are authorized to be appropriated to the Departments, agencies, and instrumentalities named in paragraphs (1) and (3) through (6) of section 221(a) of the U.S.-FSM Compact and paragraphs (1) and (3) through (5) of section 221(a) of the U.S.-RMI Compact, such sums as are necessary to carry out the purposes of sections 221(a) of the U.S.-FSM Compact and the U.S.-RMI Compact, to remain available until expended.

SEC. 110. PAYMENT OF CITIZENS OF THE FEDERATED STATES OF MICRONESIA, THE REPUBLIC OF THE MARSHALL ISLANDS, AND THE REPUBLIC OF PALAU EMPLOYED BY THE GOVERNMENT OF THE UNITED STATES IN THE CONTINENTAL UNITED STATES.

Section 605 of Public Law 107–67 (the Treasury and General Government Appropriations Act, 2002; 5 U.S.C. 3101 note) is amended by striking ''or the Republic of the Philippines,'' in the last sentence and inserting the following: ''the Republic of the Philippines, the Federated States of Micronesia, the Republic of the Marshall Islands, or the Republic of Palau,''.

TITLE II—COMPACTS OF FREE ASSOCIATION WITH THE FEDERATED STATES OF MICRONESIA AND THE REPUBLIC OF THE MARSHALL ISLANDS

SEC. 201. COMPACTS OF FREE ASSOCIATION, AS AMENDED BETWEEN THE GOVERNMENT OF THE UNITED STATES OF AMERICA AND THE GOVERNMENT OF THE FEDERATED STATES OF MICRONESIA AND BETWEEN THE GOVERNMENT OF THE UNITED STATES OF AMERICA AND THE GOVERNMENT OF THE REPUBLIC OF THE MARSHALL ISLANDS.

(a) COMPACT OF FREE ASSOCIATION, AS AMENDED, BETWEEN THE GOVERNMENT OF THE UNITED STATES OF AMERICA AND THE GOVERNMENT OF THE FEDERATED STATES OF MICRONESIA.—

PREAMBLE

THE GOVERNMENT OF THE UNITED STATES OF AMERICA AND THE GOVERNMENT OF THE FEDERATED STATES OF MICRONESIA

Affirming that their Governments and their relationship as Governments are founded upon respect for human rights and fundamental freedoms for all, and that the people of the Federated States of Micronesia have the right to enjoy self-government; and

Affirming the common interests of the United States of America and the Federated States of Micronesia in creating and maintaining their close and mutually beneficial relationship through the free and voluntary association of their respective Governments; and

Affirming the interest of the Government of the United States in promoting the economic advancement and budgetary self-reliance of the Federated States of Micronesia; and

Recognizing that their relationship until the entry into force on November 3, 1986 of the Compact was based upon the International Trusteeship System of the United Nations Charter, and in particular Article 76 of the Charter; and that pursuant to Article 76 of the Charter, the people of the Federated States of Micronesia have progressively developed their institutions of self-government, and that in the exercise of their sovereign right to self-determination they, through their freely-expressed wishes, have adopted a Constitution appropriate to their particular circumstances; and

Recognizing that the Compact reflected their common desire to terminate the Trusteeship and establish a government-to-government relationship which was in accordance with the new political status based on the freely expressed wishes of the people of the Federated States of Micronesia and appropriate to their particular circumstances; and

Recognizing that the people of the Federated States of Micronesia have and retain their sovereignty and their sovereign right to self-determination and the inherent right to adopt and amend their own Constitution and form of government and that the approval of the entry of the Government of the Federated States of Micronesia into the Compact by the people of the Federated States of Micronesia constituted an exercise of their sovereign right to self-determination; and

Recognizing the common desire of the people of the United States and the people of the Federated States of Micronesia to maintain their close government-to-government relationship, the United States and the Federated States of Micronesia:

NOW, THEREFORE, MUTUALLY AGREE to continue and strengthen their relationship of free association by amending the Compact, which continues to provide a full measure of self-government for the people of the Federated States of Micronesia; and

FURTHER AGREE that the relationship of free association derives from and is as set forth in this Compact, as amended, by the Governments of the United States and the Federated States of Micronesia; and that, during such relationship of free association, the respective rights and responsibilities of the Government of the United States and the Government of the Federated States of Micronesia in regard to this relationship of free association derive from and are as set forth in this Compact, as amended.

TITLE ONE

GOVERNMENTAL RELATIONS

Article I

Self-Government

Section 111

The people of the Federated States of Micronesia, acting through the Government established under their Constitution, are self-governing.

Article II

Foreign Affairs

Section 121

(a) The Government of the Federated States of Micronesia has the capacity to conduct foreign affairs and shall do so in its own name and right, except as otherwise provided in this Compact, as amended.

(b) The foreign affairs capacity of the Government of the Federated States of Micronesia includes:

(1) the conduct of foreign affairs relating to law of the sea and marine resources matters, including the harvesting, conservation, exploration or exploitation of living and nonliving resources from the sea, seabed or subsoil to the full extent recognized under international law;

(2) the conduct of its commercial, diplomatic, consular, economic, trade, banking, postal, civil aviation, communications, and cultural relations, including negotiations for the receipt of developmental loans and grants and the conclusion of arrangements with other governments and international and intergovernmental organizations, including any matters specially benefiting its individual citizens.

(c) The Government of the United States recognizes that the Government of the Federated States of Micronesia has the capacity to enter into, in its own name and right, treaties and other international agreements with governments and regional and international organizations.

(d) In the conduct of its foreign affairs, the Government of the Federated States of Micronesia confirms that it shall act in accordance with principles of international law and shall settle its international disputes by peaceful means.

Section 122

The Government of the United States shall support applications by the Government of the Federated States of Micronesia for membership or other participation in regional or international organizations as may be mutually agreed.

Section 123

(a) In recognition of the authority and responsibility of the Government of the United States under Title Three, the Government of the Federated States of Micronesia shall consult, in the conduct of its foreign affairs, with the Government of the United States.

(b) In recognition of the foreign affairs capacity of the Government of the Federated States of Micronesia, the Government of the United States, in the conduct of its foreign affairs, shall consult with the Government of the Federated States of Micronesia on matters that the Government of the United States regards as relating to or affecting the Government of the Federated States of Micronesia.

Section 124

The Government of the United States may assist or act on behalf of the Government of the Federated States of Micronesia in the area of foreign affairs as may be requested and mutually agreed from time to time. The Government of the United States shall not be responsible to third parties for the actions of the Government of the Federated States of Micronesia undertaken with the assistance or through the agency of the Government of the United States pursuant to this section unless expressly agreed.

Section 125

The Government of the United States shall not be responsible for nor obligated by any actions taken by the Government of the Federated States of Micronesia in the area of foreign affairs, except as may from time to time be expressly agreed.

Section 126

At the request of the Government of the Federated States of Micronesia and subject to the consent of the receiving state, the Government of the United States shall extend consular assistance on the same basis as for citizens of the United States to citizens of the Federated States of Micronesia for travel outside the Federated States of Micronesia, the United States and its territories and possessions.

Section 127

Except as otherwise provided in this Compact, as amended, or its related agreements, all obligations, responsibilities, rights and benefits of the Government of the United States as Administering Authority which resulted from the application pursuant to the Trusteeship Agreement of any treaty or other international agreement to the Trust Territory of the Pacific Islands on November 2, 1986, are, as of that date, no longer assumed and enjoyed by the Government of the United States.

Article III

Communications

Section 131

(a) The Government of the Federated States of Micronesia has full authority and responsibility to regulate its domestic and foreign communications, and the Government of the United States shall provide communications assistance as mutually agreed.

(b) On May 24, 1993, the Government of the Federated States of Micronesia elected to undertake all functions previously performed by the Government of the United States with respect to domestic and foreign communications, except for those functions set forth in a separate agreement entered into pursuant to this section of the Compact, as amended.

Section 132

The Government of the Federated States of Micronesia shall permit the Government of the United States to operate telecommunications services in the Federated States of Micronesia to the extent necessary to fulfill the obligations of the Government of the United States under this Compact, as amended, in accordance with the terms of separate agreements entered into pursuant to this section of the Compact, as amended.

Article IV

Immigration

Section 141

(a) In furtherance of the special and unique relationship that exists between the United States and the Federated States of Micronesia, under the Compact, as amended, any person in the following categories may be admitted to, lawfully engage in occupations in, and establish residence as a nonimmigrant in the United States and its territories and possessions (the ''United States'') without regard to paragraph (5) or (7)(B)(i)(II) of section 212(a) of the Immigration and Nationality Act, as amended, 8 U.S.C. 1182(a)(5) or (7)(B)(i)(II):

(1) a person who, on November 2, 1986, was a citizen of the Trust Territory of the Pacific Islands, as defined in Title 53 of the Trust Territory Code in force on January 1, 1979, and has become and remains a citizen of the Federated States of Micronesia;

(2) a person who acquires the citizenship of the Federated States of Micronesia at birth, on or after the effective date of the Constitution of the Federated States of Micronesia;

(3) an immediate relative of a person referred to in paragraphs (1) or (2) of this section, provided that such immediate relative is a naturalized citizen of the Federated States of Micronesia who has been an actual resident there for not less than five years after attaining such naturalization and who holds a certificate of actual residence, and further provided, that, in the case of a spouse, such spouse has been married to the person referred to in paragraph (1) or (2) of this section for at least five years, and further provided, that the Government of the United States is satisfied that such naturalized citizen meets the requirement of subsection (b) of section 104 of Public Law 99–239 as it was in effect on the day prior to the effective date of this Compact, as amended;

(4) a naturalized citizen of the Federated States of Micronesia who was an actual resident there for not less than five years after attaining such naturalization and who satisfied these requirements as of April 30, 2003, who continues to be an actual resident and holds a certificate of actual residence, and whose name is included in a list furnished by the Government of the Federated States of Micronesia to the Government of the United States no later than the effective date of the Compact, as amended, in form and content acceptable to the Government of the United States, provided, that the Government of the United States is satisfied that such naturalized citizen meets the requirement of subsection (b) of section 104 of Public Law 99–239 as it was in effect on the day prior to the effective date of this Compact, as amended; or

(5) an immediate relative of a citizen of the Federated States of Micronesia, regardless of the immediate relative's country of citizenship or period of residence in the Federated States of Micronesia, if the citizen of the Federated States of Micronesia is serving on active duty in any branch of the United States Armed Forces, or in the active reserves.

(b) Notwithstanding subsection (a) of this section, a person who is coming to the United States pursuant to an adoption outside the United States, or for the purpose of adoption in the United States, is ineligible for admission under the Compact and the Compact, as amended. This subsection shall apply to any person who is or was an applicant for admission to the United States on or after March 1, 2003, including any applicant for admission in removal proceedings (including appellate proceedings) on or after March 1, 2003, regardless of the date such proceedings were commenced. This subsection shall have no effect on the ability of the Government of the United States or any United States State or local government to commence or otherwise take any action against any person or entity who has violated any law relating to the adoption of any person.

(c) Notwithstanding subsection (a) of this section, no person who has been or is granted citizenship in the Federated States of Micronesia, or has been or is issued a Federated States of Micronesia passport pursuant to any investment, passport sale, or similar program has been or shall be eligible for admission to the United States under the Compact or the Compact, as amended.

(d) A person admitted to the United States under the Compact, or the Compact, as amended, shall be considered to have the permission of the Government of the United States to accept employment in the United States. An unexpired Federated States of Micronesia passport with unexpired documentation issued by the Government of the United States evidencing admission under the Compact or the Compact, as amended, shall be considered to be documentation establishing identity and employment authorization under section 274A(b)(1)(B) of the Immigration and Nationality Act, as amended, 8 U.S.C. 1324a(b)(1)(B). The Government of the United States will take reasonable and appropriate steps to implement and publicize this provision, and the Government of the Federated States of Micronesia will also take reasonable and appropriate steps to publicize this provision.

(e) For purposes of the Compact and the Compact, as amended:

(1) the term ''residence'' with respect to a person means the person's principal, actual dwelling place in fact, without regard to intent, as provided in section 101(a)(33) of the Immigration and Nationality Act, as amended, 8 U.S.C. 1101(a)(33), and variations of the term ''residence,'' including ''resident'' and ''reside,'' shall be similarly construed;

(2) the term ''actual residence'' means physical presence in the Federated States of Micronesia during eighty-five percent of the five-year period of residency required by section 141(a)(3) and (4);

(3) the term ''certificate of actual residence'' means a certificate issued to a naturalized citizen by the Government of the Federated States of Micronesia stating that the citizen has complied with the actual residence requirement of section 141(a)(3) or (4);

(4) the term ''nonimmigrant'' means an alien who is not an ''immigrant'' as defined in section 101(a)(15) of such Act, 8 U.S.C. 1101(a)(15); and

(5) the term ''immediate relative'' means a spouse, or unmarried son or unmarried daughter less than 21 years of age.

(f) The Immigration and Nationality Act, as amended, shall apply to any person admitted or seeking admission to the United States (other than a United States possession or territory where such Act does not apply) under the Compact or the Compact, as amended, and nothing in the Compact or the Compact, as amended, shall be construed to limit, preclude, or modify the applicability of, with respect to such person:

(1) any ground of inadmissibility or deportability under such Act (except sections 212(a)(5) and 212(a)(7)(B)(i)(II) of such Act, as provided in subsection (a) of this section), and any defense thereto, provided that, section 237(a)(5) of such Act shall be construed and applied as if it reads as follows: ''any alien who has been admitted under the Compact, or the Compact, as amended, who cannot show that he or she has sufficient means of support in the United States, is deportable'';

(2) the authority of the Government of the United States under section 214(a)(1) of such Act to provide that admission as a nonimmigrant shall be for such time and under such conditions as the Government of the United States may by regulations prescribe;

(3) Except for the treatment of certain documentation for purposes of section 274A(b)(1)(B) of such Act as provided by subsection (d) of this section of the Compact, as amended, any requirement under section 274A, including but not limited to section 274A(b)(1)(E);

(4) Section 643 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996, Public Law 104–208, and actions taken pursuant to section 643; and

(5) the authority of the Government of the United States otherwise to administer and enforce the Immigration and Nationality Act, as amended, or other United States law.

(g) Any authority possessed by the Government of the United States under this section of the Compact or the Compact, as amended, may also be exercised by the Government of a territory or possession of the United States where the Immigration and Nationality Act, as amended, does not apply, to the extent such exercise of authority is lawful under a statute or regulation of such territory or possession that is authorized by the laws of the United States.

(h) Subsection (a) of this section does not confer on a citizen of the Federated States of Micronesia the right to establish the residence necessary for naturalization under the Immigration and Nationality Act, as amended, or to petition for benefits for alien relatives under that Act. Subsection (a) of this section, however, shall not prevent a citizen of the Federated States of Micronesia from otherwise acquiring such rights or lawful permanent resident alien status in the United States.

Section 142

(a) Any citizen or national of the United States may be admitted, to lawfully engage in occupations, and reside in the Federated States of Micronesia, subject to the rights of the Government of the Federated States of Micronesia to deny entry to or deport any such citizen or national as an undesirable alien. Any determination of inadmissibility or deportability shall be based on reasonable statutory grounds and shall be subject to appropriate administrative and judicial review within the Federated States of Micronesia. If a citizen or national of the United States is a spouse of a citizen of the Federated States of Micronesia, the Government of the Federated States of Micronesia shall allow the United States citizen spouse to establish residence. Should the Federated States of Micronesia citizen spouse predecease the United States citizen spouse during the marriage, the Government of the Federated States of Micronesia shall allow the United States citizen spouse to continue to reside in the Federated States of Micronesia.

(b) In enacting any laws or imposing any requirements with respect to citizens and nationals of the United States entering the Federated States of Micronesia under subsection (a) of this section, including any grounds of inadmissibility or deportability, the Government of the Federated States of Micronesia shall accord to such citizens and nationals of the United States treatment no less favorable than that accorded to citizens of other countries.

(c) Consistent with subsection (a) of this section, with respect to citizens and nationals of the United States seeking to engage in employment or invest in the Federated States of Micronesia, the Government of the Federated States of Micronesia shall adopt immigration-related procedures no less favorable than those adopted by the Government of the United States with respect to citizens of the Federated States of Micronesia seeking employment in the United States.

Section 143

Any person who relinquishes, or otherwise loses, his United States nationality or citizenship, or his Federated States of Micronesia citizenship, shall be ineligible to receive the privileges set forth in sections 141 and 142. Any such person may apply for admission to the United States or the Federated States of Micronesia, as the case may be, in accordance with any other applicable laws of the United States or the Federated States of Micronesia relating to immigration of aliens from other countries. The laws of the Federated States of Micronesia or the United States, as the case may be, shall dictate the terms and conditions of any such person's stay.

Article V

Representation

Section 151

Relations between the Government of the United States and the Government of the Federated States of Micronesia shall be conducted in accordance with the Vienna Convention on Diplomatic Relations. In addition to diplomatic missions and representation, the Governments may establish and maintain other offices and designate other representatives on terms and in locations as may be mutually agreed.

Section 152

(a) Any citizen or national of the United States who, without authority of the United States, acts as the agent of the Government of the Federated States of Micronesia with regard to matters specified in the provisions of the Foreign Agents Registration Act of 1938, as amended (22 U.S.C. 611 et seq.), that apply with respect to an agent of a foreign principal shall be subject to the requirements of such Act. Failure to comply with such requirements shall subject such citizen or national to the same penalties and provisions of law as apply in the case of the failure of such an agent of a foreign principal to comply with such requirements. For purposes of the Foreign Agents Registration Act of 1938, the Federated States of Micronesia shall be considered to be a foreign country.

(b) Subsection (a) of this section shall not apply to a citizen or national of the United States employed by the Government of the Federated States of Micronesia with respect to whom the Government of the Federated States of Micronesia from time to time certifies to the Government of the United States that such citizen or national is an employee of the Federated States of Micronesia whose principal duties are other than those matters specified in the Foreign Agents Registration Act of 1938, as amended, that apply with respect to an agent of a foreign principal. The agency or officer of the United States receiving such certifications shall cause them to be filed with the Attorney General, who shall maintain a publicly available list of the persons so certified.

Article VI

Environmental Protection

Section 161

The Governments of the United States and the Federated States of Micronesia declare that it is their policy to promote efforts to prevent or eliminate damage to the environment and biosphere and to enrich understanding of the natural resources of the Federated States of Micronesia. In order to carry out this policy, the Government of the United States and the Government of the Federated States of Micronesia agree to the following mutual and reciprocal undertakings.

(a) The Government of the United States:

(1) shall continue to apply the environmental controls in effect on November 2, 1986 to those of its continuing activities subject to section 161(a)(2), unless and until those controls are modified under sections 161(a)(3) and 161(a)(4);

(2) shall apply the National Environmental Policy Act of 1969, 83 Stat. 852, 42 U.S.C. 4321 et seq., to its activities under the Compact, as amended, and its related agreements as if the Federated States of Micronesia were the United States;

(3) shall comply also, in the conduct of any activity requiring the preparation of an Environmental Impact Statement under section 161(a)(2), with standards substantively similar to those required by the following laws of the United States, taking into account the particular environment of the Federated States of Micronesia: the Endangered Species Act of 1973, as amended, 87 Stat. 884, 16 U.S.C. 1531 et seq.; the Clean Air Act, as amended, 77 Stat. 392, 42 U.S.C. Supp. 7401 et seq.; the Clean Water Act (Federal Water Pollution Control Act), as amended, 86 Stat. 896, 33 U.S.C. 1251 et seq.; Title I of the Marine Protection, Research and Sanctuaries Act of 1972 (the Ocean Dumping Act), 33 U.S.C. 1411 et seq.; the Toxic Substances Control Act, as amended, 15 U.S.C. 2601 et seq.; the Solid Waste Disposal Act, as amended, 42 U.S.C. 6901 et seq.; and such other environmental protection laws of the United States and of the Federated States of Micronesia, as may be mutually agreed from time to time with the Government of the Federated States of Micronesia; and

(4) shall develop, prior to conducting any activity requiring the preparation of an Environmental Impact Statement under section 161(a)(2), written standards and procedures, as agreed with the Government of the Federated States of Micronesia, to implement the substantive provisions of the laws made applicable to U.S. Government activities in the Federated States of Micronesia, pursuant to section 161(a)(3).

(b) The Government of the Federated States of Micronesia shall continue to develop and implement standards and procedures to protect its environment. As a reciprocal obligation to the undertakings of the Government of the United States under this Article, the Federated States of Micronesia, taking into account its particular environment, shall continue to develop and implement standards for environmental protection substantively similar to those required of the Government of the United States by section 161(a)(3) prior to its conducting activities in the Federated States of Micronesia, substantively equivalent to activities conducted there by the Government of the United States and, as a further reciprocal obligation, shall enforce those standards.

(c) Section 161(a), including any standard or procedure applicable thereunder, and section 161(b) may be modified or superseded in whole or in part by agreement of the Government of the United States and the Government of the Federated States of Micronesia.

(d) In the event that an Environmental Impact Statement is no longer required under

the laws of the United States for major Federal actions significantly affecting the quality of the human environment, the regulatory regime established under sections 161(a)(3) and 161(a)(4) shall continue to apply to such activities of the Government of the United States until amended by mutual agreement.

(e) The President of the United States may exempt any of the activities of the Government of the United States under this Compact, as amended, and its related agreements from any environmental standard or procedure which may be applicable under sections 161(a)(3) and 161(a)(4) if the President determines it to be in the paramount interest of the Government of the United States to do so, consistent with Title Three of this Compact, as amended, and the obligations of the Government of the United States under international law. Prior to any decision pursuant to this subsection, the views of the Government of the Federated States of Micronesia shall be sought and considered to the extent practicable. If the President grants such an exemption, to the extent practicable, a report with his reasons for granting such exemption shall be given promptly to the Government of the Federated States of Micronesia.

(f) The laws of the United States referred to in section 161(a)(3) shall apply to the activities of the Government of the United States under this Compact, as amended, and its related agreements only to the extent provided for in this section.

Section 162

The Government of the Federated States of Micronesia may bring an action for judicial review of any administrative agency action or any activity of the Government of the United States pursuant to section 161(a) for enforcement of the obligations of the Government of the United States arising thereunder. The United States District Court for the District of Hawaii and the United States District Court for the District of Columbia shall have jurisdiction over such action or activity, and over actions brought under section 172(b) which relate to the activities of the Government of the United States and its officers and employees, governed by section 161, provided that:

(a) Such actions may only be civil actions for any appropriate civil relief other than punitive damages against the Government of the United States or, where required by law, its officers in their official capacity; no criminal actions may arise under this section.

(b) Actions brought pursuant to this section may be initiated only by the Government of the Federated States of Micronesia.

(c) Administrative agency actions arising under section 161 shall be reviewed pursuant to the standard of judicial review set forth in 5 U.S.C. 706.

(d) The United States District Court for the District of Hawaii and the United States District Court for the District of Columbia shall have jurisdiction to issue all necessary processes, and the Government of the United States agrees to submit itself to the jurisdiction of the court; decisions of the United States District Court shall be reviewable in the United States Court of Appeals for the Ninth Circuit or the United States Court of Appeals for the District of Columbia, respectively, or in the United States Supreme Court as provided by the laws of the United States.

(e) The judicial remedy provided for in this section shall be the exclusive remedy for the judicial review or enforcement of the obligations of the Government of the United States under this Article and actions brought under section 172(b) which relate to the activities of the Government of the United States and its officers and employees governed by section 161.

(f) In actions pursuant to this section, the Government of the Federated States of Micronesia shall be treated as if it were a United States citizen.

Section 163

(a) For the purpose of gathering data necessary to study the environmental effects of activities of the Government of the United States subject to the requirements of this Article, the Government of the Federated States of Micronesia shall be granted access to facilities operated by the Government of the United States in the Federated States of Micronesia, to the extent necessary for this purpose, except to the extent such access would unreasonably interfere with the exercise of the authority and responsibility of the Government of the United States under Title Three.

(b) The Government of the United States, in turn, shall be granted access to the Federated States of Micronesia for the purpose of gathering data necessary to discharge its obligations under this Article, except to the extent such access would unreasonably interfere with the exercise of the authority and responsibility of the Government of the Federated States of Micronesia under Title One, and to the extent necessary for this purpose shall be granted access to documents and other information to the same extent similar access is provided the Government of the Federated States of Micronesia under the Freedom of Information Act, 5 U.S.C. 552.

(c) The Government of the Federated States of Micronesia shall not impede efforts by the Government of the United States to comply with applicable standards and procedures.

Article VII

General Legal Provisions

Section 171

Except as provided in this Compact, as amended, or its related agreements, the application of the laws of the United States to the Trust Territory of the Pacific Islands by virtue of the Trusteeship Agreement ceased with respect to the Federated States of Micronesia on November 3, 1986, the date the Compact went into effect.

Section 172

(a) Every citizen of the Federated States of Micronesia who is not a resident of the United States shall enjoy the rights and remedies under the laws of the United States enjoyed by any non-resident alien.

(b) The Government of the Federated States of Micronesia and every citizen of the Federated States of Micronesia shall be considered to be a ''person'' within the meaning of the Freedom of Information Act, 5 U.S.C. 552, and of the judicial review provisions of the Administrative Procedure Act, 5 U.S.C. 701–706, except that only the Government of the Federated States of Micronesia may seek judicial review under the Administrative Procedure Act or judicial enforcement under the Freedom of Information Act when such judicial review or enforcement relates to the activities of the Government of the United States governed by sections 161 and 162.

Section 173

The Governments of the United States and the Federated States of Micronesia agree to adopt and enforce such measures, consistent with this Compact, as amended, and its related agreements, as may be necessary to protect the personnel, property, installations, services, programs and official archives and documents maintained by the Government of the United States in the Federated States of Micronesia pursuant to this Compact, as amended, and its related agreements and by the Government of the Federated States of Micronesia in the United States pursuant to this Compact, as amended, and its related agreements.

Section 174

Except as otherwise provided in this Compact, as amended, and its related agreements:

(a) The Government of the Federated States of Micronesia, and its agencies and officials, shall be immune from the jurisdiction of the courts of the United States, and the Government of the United States, and its agencies and officials, shall be immune from the jurisdiction of the courts of the Federated States of Micronesia.

(b) The Government of the United States accepts responsibility for and shall pay:

(1) any unpaid money judgment rendered by the High Court of the Trust Territory of the Pacific Islands against the Government of the United States with regard to any cause of action arising as a result of acts or omissions of the Government of the Trust Territory of the Pacific Islands or the Government of the United States prior to November 3, 1986;

(2) any claim settled by the claimant and the Government of the Trust Territory of the Pacific Islands but not paid as of the November 3, 1986; and

(3) settlement of any administrative claim or of any action before a court of the Trust Territory of the Pacific Islands or the Government of the United States, arising as a result of acts or omissions of the Government of the Trust Territory of the Pacific Islands or the Government of the United States.

(c) Any claim not referred to in section 174(b) and arising from an act or omission of the Government of the Trust Territory of the Pacific Islands or the Government of the United States prior to the effective date of the Compact shall be adjudicated in the same manner as a claim adjudicated according to section 174(d). In any claim against the Government of the Trust Territory of the Pacific Islands, the Government of the United States shall stand in the place of the Government of the Trust Territory of the Pacific Islands. A judgment on any claim referred to in section 174(b) or this subsection, not otherwise satisfied by the Government of the United States, may be presented for certification to the United States Court of Appeals for the Federal Circuit, or its successor courts, which shall have jurisdiction therefore, notwithstanding the provisions of 28 U.S.C. 1502, and which court's decisions shall be reviewable as provided by the laws of the United States. The United States Court of Appeals for the Federal Circuit shall certify such judgment, and order payment thereof, unless it finds, after a hearing, that such judgment is manifestly erroneous as to law or fact, or manifestly excessive. In either of such cases the United States Court of Appeals for the Federal Circuit shall have jurisdiction to modify such judgment.

(d) The Government of the Federated States of Micronesia shall not be immune from the jurisdiction of the courts of the United States, and the Government of the United States shall not be immune from the jurisdiction of the courts of the Federated States of Micronesia in any civil case in which an exception to foreign state immunity is set forth in the Foreign Sovereign Immunities Act (28 U.S.C. 1602 et seq.) or its successor statutes.

Section 175

(a) A separate agreement, which shall come into effect simultaneously with this Compact, as amended, and shall have the force of law, shall govern mutual assistance and cooperation in law enforcement matters, including the pursuit, capture, imprisonment and extradition of fugitives from justice and the transfer of prisoners, as well as other law

enforcement matters. In the United States, the laws of the United States governing international extradition, including 18 U.S.C. 3184, 3186 and 3188–95, shall be applicable to the extradition of fugitives under the separate agreement, and the laws of the United States governing the transfer of prisoners, including 18 U.S.C. 4100–15, shall be applicable to the transfer of prisoners under the separate agreement; and

(b) A separate agreement, which shall come into effect simultaneously with this Compact, as amended, and shall have the force of law, shall govern requirements relating to labor recruitment practices, including registration, reporting, suspension or revocation of authorization to recruit persons for employment in the United States, and enforcement for violations of such requirements.

Section 176

The Government of the Federated States of Micronesia confirms that final judgments in civil cases rendered by any court of the Trust Territory of the Pacific Islands shall continue in full force and effect, subject to the constitutional power of the courts of the Federated States of Micronesia to grant relief from judgments in appropriate cases.

Section 177

Section 177 of the Compact entered into force with respect to the Federated States of Micronesia on November 3, 1986 as follows:

''(a) The Government of the United States accepts the responsibility for compensation owing to citizens of the Marshall Islands, or the Federated States of Micronesia, or Palau for loss or damage to property and person of the citizens of the Marshall Islands, or the Federated States of Micronesia, resulting from the nuclear testing program which the Government of the United States conducted in the Northern Marshall Islands between June 30, 1946, and August 18, 1958.

''(b) The Government of the United States and the Government of the Marshall Islands shall set forth in a separate agreement provisions for the just and adequate settlement of all such claims which have arisen in regard to the Marshall Islands and its citizens and which have not as yet been compensated or which in the future may arise, for the continued administration by the Government of the United States of direct radiation related medical surveillance and treatment programs and radiological monitoring activities and for such additional programs and activities as may be mutually agreed, and for the assumption by the Government of the Marshall Islands of responsibility for enforcement of limitations on the utilization of affected areas developed in cooperation with the Government of the United States and for the assistance by the Government of the United States in the exercise of such responsibility as may be mutually agreed. This separate agreement shall come into effect simultaneously with this Compact and shall remain in effect in accordance with its own terms.

''(c) The Government of the United States shall provide to the Government of the Marshall Islands, on a grant basis, the amount of $150 million to be paid and distributed in accordance with the separate agreement referred to in this Section, and shall provide the services and programs set forth in this separate agreement, the language of which is incorporated into this Compact.''

The Compact, as amended, makes no changes to, and has no effect upon, Section 177 of the Compact, nor does the Compact, as amended, change or affect the separate agreement referred to in Section 177 of the Compact including Articles IX and X of that separate agreement, and measures taken by the parties thereunder.

Section 178

(a) The Federal agencies of the Government of the United States that provide the services and related programs in the Federated States of Micronesia pursuant to Title Two are authorized to settle and pay tort claims arising in the Federated States of Micronesia from the activities of such agencies or from the acts or omissions of the employees of such agencies. Except as provided in section 178(b), the provisions of 28 U.S.C. 2672 and 31 U.S.C. 1304 shall apply exclusively to such administrative settlements and payments.

(b) Claims under section 178(a) that cannot be settled under section 178(a) shall be disposed of exclusively in accordance with Article II of Title Four. Arbitration awards rendered pursuant to this subsection shall be paid out of funds under 31 U.S.C. 1304.

(c) The Government of the United States and the Government of the Federated States of Micronesia shall, in the separate agreement referred to in section 231, provide for:

(1) the administrative settlement of claims referred to in section 178(a), including designation of local agents in each State of the Federated States of Micronesia; such agents to be empowered to accept, investigate and settle such claims, in a timely manner, as provided in such separate agreements; and

(2) arbitration, referred to in section 178(b), in a timely manner, at a site convenient to the claimant, in the event a claim is not otherwise settled pursuant to section 178(a).

(d) The provisions of section 174(d) shall not apply to claims covered by this section.

(e) Except as otherwise explicitly provided by law of the United States, neither the Government of the United States, its instrumentalities, nor any person acting on behalf of the Government of the United States, shall be named a party in any action based on, or arising out of, the activity or activities of a recipient of any grant or other assistance provided by the Government of the United States (or the activity or activities of the recipient's agency or any other person or entity acting on behalf of the recipient).

Section 179

(a) The courts of the Federated States of Micronesia shall not exercise criminal jurisdiction over the Government of the United States, or its instrumentalities.

(b) The courts of the Federated States of Micronesia shall not exercise criminal jurisdiction over any person if the Government of the United States provides notification to the Government of the Federated States of Micronesia that such person was acting on behalf of the Government of the United States, for actions taken in furtherance of section 221 or 224 of this amended Compact, or any other provision of law authorizing financial, program, or service assistance to the Federated States of Micronesia.

TITLE TWO

ECONOMIC RELATIONS

Article I

Grant Assistance

Section 211 - Sector Grants

(a) In order to assist the Government of the Federated States of Micronesia in its efforts to promote the economic advancement, budgetary self-reliance, and economic self-sufficiency of its people, and in recognition of the special relationship that exists between the Federated States of Micronesia and the United States, the Government of the United States shall provide assistance on a sector grant basis for a period of twenty years in the amounts set forth in section 216, commencing on the effective date of this Compact, as amended. Such grants shall be used for assistance in the sectors of education, health care, private sector development, the environment, public sector capacity building, and public infrastructure, or for other sectors as mutually agreed, with priorities in the education and health care sectors. For each year such sector grant assistance is made available, the proposed division of this amount among these sectors shall be certified to the Government of the United States by the Government of the Federated States of Micronesia and shall be subject to the concurrence of the Government of the United States. In such case, the Government of the United States shall disburse the agreed upon amounts and monitor the use of such sector grants in accordance with the provisions of this Article and the Agreement Concerning Procedures for the Implementation of United States Economic Assistance Provided in the Compact, as Amended, of Free Association Between the Government of the United States of America and the Government of the Federated States of Micronesia (''Fiscal Procedures Agreement'') which shall come into effect simultaneously with this Compact, as amended. The provision of any United States assistance under the Compact, as amended, the Fiscal Procedures Agreement, the Trust Fund Agreement, or any other subsidiary agreement to the Compact, as amended, shall constitute ''a particular distribution . . . required by the terms or special nature of the assistance'' for purposes of Article XII, section 1(b) of the Constitution of the Federated States of Micronesia.

(1) EDUCATION.—United States grant assistance shall be made available in accordance with the plan described in subsection (c) of this section to support and improve the educational system of the Federated States of Micronesia and develop the human, financial, and material resources necessary for the Government of the Federated States of Micronesia to perform these services. Emphasis should be placed on advancing a quality basic education system.

(2) HEALTH.—United States grant assistance shall be made available in accordance with the plan described in subsection (c) of this section to support and improve the delivery of preventive, curative and environmental care and develop the human, financial, and material resources necessary for the Government of the Federated States of Micronesia to perform these services.

(3) PRIVATE SECTOR DEVELOPMENT.—United States grant assistance shall be made available in accordance with the plan described in subsection (c) of this section to support the efforts of the Government of the Federated States of Micronesia to attract foreign investment and increase indigenous business activity by vitalizing the commercial environment, ensuring fair and equitable application of the law, promoting adherence to core labor standards, and maintaining progress toward privatization of state-owned and partially state-owned enterprises, and engaging in other reforms.

(4) CAPACITY BUILDING IN THE PUBLIC SECTOR.—United States grant assistance shall be made available in accordance with the plan described in subsection (c) of this section to support the efforts of the Government of the Federated States of Micronesia to build effective, accountable and transparent national, state, and local government and other public sector institutions and systems.

(5) ENVIRONMENT.—United States grant assistance shall be made available in accordance with the plan described in subsection (c) of this section to increase environmental protection; conserve and achieve sustainable use of natural resources; and engage in environmental infrastructure planning, design construction and operation.

(6) PUBLIC INFRASTRUCTURE.—

(i) U.S. annual grant assistance shall be made available in accordance with a list of

specific projects included in the plan described in subsection (c) of this section to assist the Government of the Federated States of Micronesia in its efforts to provide adequate public infrastructure.

(ii) INFRASTRUCTURE AND MAINTENANCE FUND.—Five percent of the annual public infrastructure grant made available under paragraph (i) of this subsection shall be set aside, with an equal contribution from the Government of the Federated States of Micronesia, as a contribution to an Infrastructure Maintenance Fund (IMF). Administration of the Infrastructure Maintenance Fund shall be governed by the Fiscal Procedures Agreement.

(b) HUMANITARIAN ASSISTANCE.—Federated States of Micronesia Program. In recognition of the special development needs of the Federated States of Micronesia, the Government of the United States shall make available to the Government of the Federated States of Micronesia, on its request and to be deducted from the grant amount made available under subsection (a) of this section, a Humanitarian Assistance - Federated States of Micronesia (''HAFSM'') Program with emphasis on health, education, and infrastructure (including transportation), projects. The terms and conditions of the HAFSM shall be set forth in the Agreement Regarding the Military Use and Operating Rights of the Government of the United States in the Government of the Federated States of Micronesia Concluded Pursuant to Sections 321 and 323 of the Compact of Free Association, as Amended which shall come into effect simultaneously with the amendments to this Compact.

(c) DEVELOPMENT PLAN.—The Government of the Federated States of Micronesia shall prepare and maintain an official overall development plan. The plan shall be strategic in nature, shall be continuously reviewed and updated through the annual budget process, and shall make projections on a multi-year rolling basis. Each of the sectors named in subsection (a) of this section, or other sectors as mutually agreed, shall be accorded specific treatment in the plan. Insofar as grants funds are involved, the plan shall be subject to the concurrence of the Government of the United States.

(d) DISASTER ASSISTANCE EMERGENCY FUND.—An amount of two hundred thousand dollars ($200,000) shall be provided annually, with an equal contribution from the Government of the Federated States of Micronesia, as a contribution to a ''Disaster Assistance Emergency Fund (DAEF).'' Any funds from the DAEF may be used only for assistance and rehabilitation resulting from disasters and emergencies. The funds will be accessed upon declaration by the Government of the Federated States of Micronesia, with the concurrence of the United States Chief of Mission to the Federated States of Micronesia. The Administration of the DAEF shall be governed by the Fiscal Procedures Agreement.

Section 212 - Accountability.

(a) Regulations and policies normally applicable to United States financial assistance to its state and local governments, as reflected in the Fiscal Procedures Agreement, shall apply to each sector grant described in section 211, and to grants administered under section 221 below, except as modified in the separate agreements referred to in section 231 of this Compact, as amended, or by United States law. The Government of the United States, after annual consultations with the Federated States of Micronesia, may attach reasonable terms and conditions, including annual performance indicators that are necessary to ensure effective use of United States assistance and reasonable progress toward achieving program objectives. The Government of the United States may seek appropriate remedies for noncompliance with the terms and conditions attached to the assistance, or for failure to comply with section 234, including withholding assistance.

(b) The Government of the United States shall, for each fiscal year of the twenty years during which assistance is to be provided on a sector grant basis under section 211, grant the Government of the Federated States of Micronesia an amount equal to the lesser of (i) one half of the reasonable, properly documented cost incurred during each fiscal year to conduct the annual audit required under Article VIII (2) of the Fiscal Procedures Agreement or (ii) $500,000. Such amount will not be adjusted for inflation under section 217 or otherwise.

Section 213 - Joint Economic Management Committee

The Governments of the United States and the Federated States of Micronesia shall establish a Joint Economic Management Committee, composed of a U.S. chair, two other members from the Government of the United States and two members from the Government of the Federated States of Micronesia. The Joint Economic Management Committee shall meet at least once each year to review the audits and reports required under this Title, evaluate the progress made by the Federated States of Micronesia in meeting the objectives identified in its plan described in subsection (c) of section 211, with particular focus on those parts of the plan dealing with the sectors identified in subsection (a) of section 211, identify problems encountered, and recommend ways to increase the effectiveness of U.S. assistance made available under this Title. The establishment and operations of the Joint Economic Management Committee shall be governed by the Fiscal Procedures Agreement.

Section 214 - Annual Report

The Government of the Federated States of Micronesia shall report annually to the President of the United States on the use of United States sector grant assistance and other assistance and progress in meeting mutually agreed program and economic goals. The Joint Economic Management Committee shall review and comment on the report and make appropriate recommendations based thereon.

Section 215 - Trust Fund

(a) The United States shall contribute annually for twenty years from the effective date of this Compact, as amended, in the amounts set forth in section 216 into a Trust Fund established in accordance with the Agreement Between the Government of the United States of America and the Government of the Federated States of Micronesia Implementing Section 215 and Section 216 of the Compact, as Amended, Regarding a Trust Fund (''Trust Fund Agreement''). Upon termination of the annual financial assistance under section 211, the proceeds of the fund shall thereafter be used for the purposes described in section 211 or as otherwise mutually agreed.

(b) The United States contribution into the Trust Fund described in subsection(a) of this section is conditioned on the Government of the Federated States of Micronesia contributing to the Trust Fund at least $30 million, prior to September 30, 2004. Any funds received by the Federated States of Micronesia under section 111 (d) of Public Law 99–239 (January 14, 1986), or successor provisions, would be contributed to the Trust Fund as a Federated States of Micronesia contribution.

(c) The terms regarding the investment and management of funds and use of the income of the Trust Fund shall be set forth in the separate Trust Fund Agreement described in subsection (a) of this section. Funds derived from United States investment shall not be subject to Federal or state taxes in the United States or the Federated States of Micronesia. The Trust Fund Agreement shall also provide for annual reports to the Government of the United States and to the Government of the Federated States of Micronesia. The Trust Fund Agreement shall provide for appropriate distributions of trust fund proceeds to the Federated States of Micronesia and for appropriate remedies for the failure of the Federated States of Micronesia to use income of the Trust Fund for the annual grant purposes set forth in section 211. These remedies may include the return to the United States of the present market value of its contributions to the Trust Fund and the present market value of any undistributed income on the contributions of the United States. If this Compact, as amended, is terminated, the provisions of sections 451 through 453 of this Compact, as amended, shall govern treatment of any U.S. contributions to the Trust Fund or accrued interest thereon.

Section 216 - Sector Grant Funding and Trust Fund Contributions

The funds described in sections 211, 212(b) and 215 shall be made available as follows:

[In millions of dollars]

Fiscal year	Annual Grants Section 211	Audit Grant Section 212(b) (amount up to)	Trust Fund Section 215	Total
2004	76.2	.5	16	92.7
2005	76.2	.5	16	92.7
2006	76.2	.5	16	92.7
2007	75.4	.5	16.8	92.7
2008	74.6	.5	17.6	92.7
2009	73.8	.5	18.4	92.7
2010	73	.5	19.2	92.7
2011	72.2	.5	20	92.7
2012	71.4	.5	20.8	92.7
2013	70.6	.5	21.6	92.7
2014	69.8	.5	22.4	92.7
2015	69	.5	23.2	92.7
2016	68.2	.5	24	92.7

[In millions of dollars]

Fiscal year	Annual Grants Section 211	Audit Grant Section 212(b) (amount up to)	Trust Fund Section 215	Total
2017	67.4	.5	24.8	92.7
2018	66.6	.5	25.6	92.7
2019	65.8	.5	26.4	92.7
2020	65	.5	27.2	92.7
2021	64.2	.5	28	92.7
2022	63.4	.5	28.8	92.7
2023	62.6	.5	29.6	92.7

Section 217 - Inflation Adjustment

Except for the amounts provided for audits under section 212(b), the amounts stated in this Title shall be adjusted for each United States Fiscal Year by the percent that equals two-thirds of the percent change in the United States Gross Domestic Product Implicit Price Deflator, or 5 percent, whichever is less in any one year, using the beginning of Fiscal Year 2004 as a base.

Section 218 - Carry-Over of Unused Funds

If in any year the funds made available by the Government of the United States for that year pursuant to this Article are not completely obligated by the Government of the Federated States of Micronesia, the unobligated balances shall remain available in addition to the funds to be provided in subsequent years.

Article II

Services and Program Assistance

Section 221

(a) SERVICES.—The Government of the United States shall make available to the Federated States of Micronesia, in accordance with and to the extent provided in the Federal Programs and Services Agreement referred to in section 231, the services and related programs of:

(1) the United States Weather Service;

(2) the United States Postal Service;

(3) the United States Federal Aviation Administration;

(4) the United States Department of Transportation;

(5) the Federal Deposit Insurance Corporation (for the benefit only of the Bank of the Federated States of Micronesia), and

(6) the Department of Homeland Security, and the United States Agency for International Development, Office of Foreign Disaster Assistance.

Upon the effective date of this Compact, as amended, the United States Departments and Agencies named or having responsibility to provide these services and related programs shall have the authority to implement the relevant provisions of the Federal Programs and Services Agreement referred to in section 231.

(b) PROGRAMS.—

(1) With the exception of the services and programs covered by subsection (a) of this section, and unless the Congress of the United States provides otherwise, the Government of the United States shall make available to the Federated States of Micronesia the services and programs that were available to the Federated States of Micronesia on the effective date of this Compact, as amended, to the extent that such services and programs continue to be available to State and local governments of the United States. As set forth in the Fiscal Procedures Agreement, funds provided under subsection (a) of section 211 will be considered to be local revenues of the Government of the Federated States of Micronesia when used as the local share required to obtain Federal programs and services.

(2) Unless provided otherwise by U.S. law, the services and programs described in paragraph (1) of this subsection shall be extended in accordance with the terms of the Federal Programs and Services Agreement referred to in section 231.

(c) The Government of the United States shall have and exercise such authority as is necessary to carry out its responsibilities under this Title and the separate agreements referred to in amended section 231, including the authority to monitor and administer all service and program assistance provided by the United States to the Federated States of Micronesia. The Federal Programs and Services Agreement referred to in amended section 231 shall also set forth the extent to which services and programs shall be provided to the Federated States of Micronesia.

(d) Except as provided elsewhere in this Compact, as amended, under any separate agreement entered into under this Compact, as amended, or otherwise under U.S. law, all Federal domestic programs extended to or operating in the Federated States of Micronesia shall be subject to all applicable criteria, standards, reporting requirements, auditing procedures, and other rules and regulations applicable to such programs and services when operating in the United States.

(e) The Government of the United States shall make available to the Federated States of Micronesia alternate energy development projects, studies, and conservation measures to the extent provided for the Freely Associated States in the laws of the United States.

Section 222

The Government of the United States and the Government of the Federated States of Micronesia may agree from time to time to extend to the Federated States of Micronesia additional United States grant assistance, services and programs, as provided under the laws of the United States. Unless inconsistent with such laws, or otherwise specifically precluded by the Government of the United States at the time such additional grant assistance, services, or programs are extended, the Federal Programs and Services Agreement referred to section 231 shall apply to any such assistance, services or programs.

Section 223

The Government of the Federated States of Micronesia shall make available to the Government of the United States at no cost such land as may be necessary for the operations of the services and programs provided pursuant to this Article, and such facilities as are provided by the Government of the Federated States of Micronesia at no cost to the Government of the United States as of the effective date of this Compact, as amended, or as may be mutually agreed thereafter.

Section 224

The Government of the Federated States of Micronesia may request, from time to time, technical assistance from the Federal agencies and institutions of the Government of the United States, which are authorized to grant such technical assistance in accordance with its laws. If technical assistance is granted pursuant to such a request, the Government of the United States shall provide the technical assistance in a manner which gives priority consideration to the Federated States of Micronesia over other recipients not a part of the United States, its territories or possessions, and equivalent consideration to the Federated States of Micronesia with respect to other states in Free Association with the United States. Such assistance shall be made available on a reimbursable or non-reimbursable basis to the extent provided by United States law.

Article III

Administrative Provisions

Section 231

The specific nature, extent and contractual arrangements of the services and programs provided for in section 221 of this Compact, as amended, as well as the legal status of agencies of the Government of the United States, their civilian employees and contractors, and the dependents of such personnel while present in the Federated States of Micronesia, and other arrangements in connection with the assistance, services, or programs furnished by the Government of the United States, are set forth in a Federal Programs and Services Agreement which shall come into effect simultaneously with this Compact, as amended.

Section 232

The Government of the United States, in consultation with the Government of the Federated States of Micronesia, shall determine and implement procedures for the periodic audit of all grants and other assistance made under Article I of this Title and of all funds expended for the services and programs provided under Article II of this Title. Further, in accordance with the Fiscal Procedures Agreement described in subsection (a) of section 211, the Comptroller General of the United States shall have such powers and authorities as described in sections 102 (c) and 110 (c) of Public Law 99–239, 99 Stat. 1777–78, and 99 Stat. 1799 (January 14, 1986).

Section 233

Approval of this Compact, as amended, by the Government of the United States, in accordance with its constitutional processes, shall constitute a pledge by the United States that the sums and amounts specified as sector grants in section 211 of this Compact, as amended, shall be appropriated and paid to the Federated States of Micronesia for such period as those provisions of this Compact, as amended, remain in force, subject to the terms and conditions of this Title and related subsidiary agreements.

Section 234

The Government of the Federated States of Micronesia pledges to cooperate with, permit, and assist if reasonably requested, designated and authorized representatives of the Government of the United States charged with investigating whether Compact funds, or any other assistance authorized under this Compact, as amended, have, or are being, used for purposes other than those set forth in this Compact, as amended, or its subsidiary agreements. In carrying out this investigative authority, such United States Government representatives may request that the Government of the Federated States of Micronesia subpoena documents and records and compel testimony in accordance

with the laws and Constitution of the Federated States of Micronesia. Such assistance by the Government of the Federated States of Micronesia to the Government of the United States shall not be unreasonably withheld. The obligation of the Government of the Federated States of Micronesia to fulfill its pledge herein is a condition to its receiving payment of such funds or other assistance authorized under this Compact, as amended. The Government of the United States shall pay any reasonable costs for extraordinary services executed by the Government of the Federated States of Micronesia in carrying out the provisions of this section.

Article IV

Trade

Section 241

The Federated States of Micronesia is not included in the customs territory of the United States.

Section 242

The President shall proclaim the following tariff treatment for articles imported from the Federated States of Micronesia which shall apply during the period of effectiveness of this title:

(a) Unless otherwise excluded, articles imported from the Federated States of Micronesia, subject to the limitations imposed under section 503(b) of title V of the Trade Act of 1974 (19 U.S.C. 2463(b)), shall be exempt from duty.

(b) Only tuna in airtight containers provided for in heading 1604.14.22 of the Harmonized Tariff Schedule of the United States that is imported from the Federated States of Micronesia and the Republic of the Marshall Islands during any calendar year not to exceed 10 percent of apparent United States consumption of tuna in airtight containers during the immediately preceding calendar year, as reported by the National Marine Fisheries Service, shall be exempt from duty; but the quantity of tuna given duty-free treatment under this paragraph for any calendar year shall be counted against the aggregated quantity of tuna in airtight containers that is dutiable under rate column numbered 1 of such heading 1604.14.22 for that calendar year.

(c) The duty-free treatment provided under subsection (a) shall not apply to—

(1) watches, clocks, and timing apparatus provided for in Chapter 91, excluding heading 9113, of the Harmonized Tariff Schedule of the United States;

(2) buttons (whether finished or not finished) provided for in items 9606.21.40 and 9606.29.20 of such Schedule;

(3) textile and apparel articles which are subject to textile agreements; and

(4) footwear, handbags, luggage, flat goods, work gloves, and leather wearing apparel which were not eligible articles for purposes of title V of the Trade Act of 1974 (19 U.S.C. 2461, et seq.) on April 1, 1984.

(d) If the cost or value of materials produced in the customs territory of the United States is included with respect to an eligible article which is a product of the Federated States of Micronesia, an amount not to exceed 15 percent of the appraised value of the article at the time it is entered that is attributable to such United States cost or value may be applied for duty assessment purposes toward determining the percentage referred to in section 503(a)(2) of title V of the Trade Act of 1974.

Section 243

Articles imported from the Federated States of Micronesia which are not exempt from duty under subsections (a), (b), (c), and (d) of section 242 shall be subject to the rates of duty set forth in column numbered 1-general of the Harmonized Tariff Schedule of the United States (HTSUS).

Section 244

(a) All products of the United States imported into the Federated States of Micronesia shall receive treatment no less favorable than that accorded like products of any foreign country with respect to customs duties or charges of a similar nature and with respect to laws and regulations relating to importation, exportation, taxation, sale, distribution, storage or use.

(b) The provisions of subsection (a) shall not apply to advantages accorded by the Federated States of Micronesia by virtue of their full membership in the Pacific Island Countries Trade Agreement (PICTA), done on August 18, 2001, to those governments listed in Article 26 of PICTA, as of the date the Compact, as amended, is signed.

(c) Prior to entering into consultations on, or concluding, a free trade agreement with governments not listed in Article 26 of PICTA, the Federated States of Micronesia shall consult with the United States regarding whether or how subsection (a) of section 244 shall be applied.

Article V

Finance and Taxation

Section 251

The currency of the United States is the official circulating legal tender of the Federated States of Micronesia. Should the Government of the Federated States of Micronesia act to institute another currency, the terms of an appropriate currency transitional period shall be as agreed with the Government of the United States.

Section 252

The Government of the Federated States of Micronesia may, with respect to United States persons, tax income derived from sources within its respective jurisdiction, property situated therein, including transfers of such property by gift or at death, and products consumed therein, in such manner as the Government of the Federated States of Micronesia deems appropriate. The determination of the source of any income, or the situs of any property, shall for purposes of this Compact be made according to the United States Internal Revenue Code.

Section 253

A citizen of the Federated States of Micronesia, domiciled therein, shall be exempt from estate, gift, and generation-skipping transfer taxes imposed by the Government of the United States, provided that such citizen of the Federated States of Micronesia is neither a citizen nor a resident of the United States.

Section 254

(a) In determining any income tax imposed by the Government of the Federated States of Micronesia, the Government of the Federated States of Micronesia shall have authority to impose tax upon income derived by a resident of the Federated States of Micronesia from sources without the Federated States of Micronesia, in the same manner and to the same extent as the Government of the Federated States of Micronesia imposes tax upon income derived from within its own jurisdiction. If the Government of the Federated States of Micronesia exercises such authority as provided in this subsection, any individual resident of the Federated States of Micronesia who is subject to tax by the Government of the United States on income which is also taxed by the Government of the Federated States of Micronesia shall be relieved of liability to the Government of the United States for the tax which, but for this subsection, would otherwise be imposed by the Government of the United States on such income. However, the relief from liability to the United States Government referred to in the preceding sentence means only relief in the form of the foreign tax credit (or deduction in lieu thereof) available with respect to the income taxes of a possession of the United States, and relief in the form of the exclusion under section 911 of the Internal Revenue Code of 1986. For purposes of this section, the term ''resident of the Federated States of Micronesia'' shall be deemed to include any person who was physically present in the Federated States of Micronesia for a period of 183 or more days during any taxable year.

(b) If the Government of the Federated States of Micronesia subjects income to taxation substantially similar to that imposed by the Trust Territory Code in effect on January 1, 1980, such Government shall be deemed to have exercised the authority described in section 254(a).

Section 255

For purposes of section 274(h)(3)(A) of the United States Internal Revenue Code of 1986, the term ''North American Area'' shall include the Federated States of Micronesia.

TITLE THREE

SECURITY AND DEFENSE RELATIONS

Article I

Authority and Responsibility

Section 311

(a) The Government of the United States has full authority and responsibility for security and defense matters in or relating to the Federated States of Micronesia.

(b) This authority and responsibility includes:

(1) the obligation to defend the Federated States of Micronesia and its people from attack or threats thereof as the United States and its citizens are defended;

(2) the option to foreclose access to or use of the Federated States of Micronesia by military personnel or for the military purposes of any third country; and

(3) the option to establish and use military areas and facilities in the Federated States of Micronesia, subject to the terms of the separate agreements referred to in sections 321 and 323.

(c) The Government of the United States confirms that it shall act in accordance with the principles of international law and the Charter of the United Nations in the exercise of this authority and responsibility.

Section 312

Subject to the terms of any agreements negotiated in accordance with sections 321 and 323, the Government of the United States may conduct within the lands, waters and airspace of the Federated States of Micronesia the activities and operations necessary for the exercise of its authority and responsibility under this Title.

Section 313

(a) The Government of the Federated States of Micronesia shall refrain from actions that the Government of the United States determines, after appropriate consultation with that Government, to be incompatible with its authority and responsibility for security and defense matters in or relating to the Federated States of Micronesia.

(b) The consultations referred to in this section shall be conducted expeditiously at senior levels of the two Governments, and the subsequent determination by the Government of the United States referred to in this section shall be made only at senior interagency levels of the Government of the United States.

(c) The Government of the Federated States of Micronesia shall be afforded, on an expeditious basis, an opportunity to raise its concerns with the United States Secretary of State personally and the United States Secretary of Defense personally regarding any determination made in accordance with this section.

Section 314

(a) Unless otherwise agreed, the Government of the United States shall not, in the Federated States of Micronesia:

(1) test by detonation or dispose of any nuclear weapon, nor test, dispose of, or discharge any toxic chemical or biological weapon; or

(2) test, dispose of, or discharge any other radioactive, toxic chemical or biological materials in an amount or manner which would be hazardous to public health or safety.

(b) Unless otherwise agreed, other than for transit or overflight purposes or during time of a national emergency declared by the President of the United States, a state of war declared by the Congress of the United States or as necessary to defend against an actual or impending armed attack on the United States, the Federated States of Micronesia or the Republic of the Marshall Islands, the Government of the United States shall not store in the Federated States of Micronesia or the Republic of the Marshall Islands any toxic chemical weapon, nor any radioactive materials nor any toxic chemical materials intended for weapons use.

(c) Radioactive, toxic chemical, or biological materials not intended for weapons use shall not be affected by section 314(b).

(d) No material or substance referred to in this section shall be stored in the Federated States of Micronesia except in an amount and manner which would not be hazardous to public health or safety. In determining what shall be an amount or manner which would be hazardous to public health or safety under this section, the Government of the United States shall comply with any applicable mutual agreement, international guidelines accepted by the Government of the United States, and the laws of the United States and their implementing regulations.

(e) Any exercise of the exemption authority set forth in section 161(e) shall have no effect on the obligations of the Government of the United States under this section or on the application of this subsection.

(f) The provisions of this section shall apply in the areas in which the Government of the Federated States of Micronesia exercises jurisdiction over the living resources of the seabed, subsoil or water column adjacent to its coasts.

Section 315

The Government of the United States may invite members of the armed forces of other countries to use military areas and facilities in the Federated States of Micronesia, in conjunction with and under the control of United States Armed Forces. Use by units of the armed forces of other countries of such military areas and facilities, other than for transit and overflight purposes, shall be subject to consultation with and, in the case of major units, approval of the Government of the Federated States of Micronesia.

Section 316

The authority and responsibility of the Government of the United States under this Title may not be transferred or otherwise assigned.

Article II

Defense Facilities and Operating Rights

Section 321

(a) Specific arrangements for the establishment and use by the Government of the United States of military areas and facilities in the Federated States of Micronesia are set forth in separate agreements, which shall remain in effect in accordance with the terms of such agreements.

(b) If, in the exercise of its authority and responsibility under this Title, the Government of the United States requires the use of areas within the Federated States of Micronesia in addition to those for which specific arrangements are concluded pursuant to section 321(a), it may request the Government of the Federated States of Micronesia to satisfy those requirements through leases or other arrangements. The Government of the Federated States of Micronesia shall sympathetically consider any such request and shall establish suitable procedures to discuss it with and provide a prompt response to the Government of the United States.

(c) The Government of the United States recognizes and respects the scarcity and special importance of land in the Federated States of Micronesia. In making any requests pursuant to section 321(b), the Government of the United States shall follow the policy of requesting the minimum area necessary to accomplish the required security and defense purpose, of requesting only the minimum interest in real property necessary to support such purpose, and of requesting first to satisfy its requirement through public real property, where available, rather than through private real property.

Section 322

The Government of the United States shall provide and maintain fixed and floating aids to navigation in the Federated States of Micronesia at least to the extent necessary for the exercise of its authority and responsibility under this Title.

Section 323

The military operating rights of the Government of the United States and the legal status and contractual arrangements of the United States Armed Forces, their members, and associated civilians, while present in the Federated States of Micronesia are set forth in separate agreements, which shall remain in effect in accordance with the terms of such agreements.

Article III

Defense Treaties and International Security Agreements

Section 331

Subject to the terms of this Compact, as amended, and its related agreements, the Government of the United States, exclusively, has assumed and enjoys, as to the Federated States of Micronesia, all obligations, responsibilities, rights and benefits of:

(a) Any defense treaty or other international security agreement applied by the Government of the United States as Administering Authority of the Trust Territory of the Pacific Islands as of November 2, 1986.

(b) Any defense treaty or other international security agreement to which the Government of the United States is or may become a party which it determines to be applicable in the Federated States of Micronesia. Such a determination by the Government of the United States shall be preceded by appropriate consultation with the Government of the Federated States of Micronesia.

Article IV

Service in Armed Forces of the United States

Section 341

Any person entitled to the privileges set forth in Section 141 (with the exception of any person described in section 141(a)(5) who is not a citizen of the Federated States of Micronesia) shall be eligible to volunteer for service in the Armed Forces of the United States, but shall not be subject to involuntary induction into military service of the United States as long as such person has resided in the United States for a period of less than one year, provided that no time shall count towards this one year while a person admitted to the United States under the Compact, or the Compact, as amended, is engaged in full-time study in the United States. Any person described in section 141(a)(5) who is not a citizen of the Federated States of Micronesia shall be subject to United States laws relating to selective service.

Section 342

The Government of the United States shall have enrolled, at any one time, at least one qualified student from the Federated States of Micronesia, as may be nominated by the Government of the Federated States of Micronesia, in each of:

(a) The United States Coast Guard Academy pursuant to 14 U.S.C. 195.

(b) The United States Merchant Marine Academy pursuant to 46 U.S.C. 1295(b)(6), provided that the provisions of 46 U.S.C. 1295b(b)(6)(C) shall not apply to the enrollment of students pursuant to section 342(b) of this Compact, as amended.

Article V

General Provisions

Section 351

(a) The Government of the United States and the Government of the Federated States of Micronesia shall continue to maintain a Joint Committee empowered to consider disputes arising under the implementation of this Title and its related agreements.

(b) The membership of the Joint Committee shall comprise selected senior officials of the two Governments. The senior United States military commander in the Pacific area shall be the senior United States member of the Joint Committee. For the meetings of the Joint Committee, each of the two Governments may designate additional or alternate representatives as appropriate for the subject matter under consideration.

(c) Unless otherwise mutually agreed, the Joint Committee shall meet annually at a time and place to be designated, after appropriate consultation, by the Government of the United States. The Joint Committee also shall meet promptly upon request of either of its members. The Joint Committee shall follow such procedures, including the establishment of functional subcommittees, as the members may from time to time agree. Upon notification by the Government of the United States, the Joint Committee of the United States and the Federated States of Micronesia shall meet promptly in a combined session with the Joint Committee established and maintained by the Government of the United States and the Republic of the Marshall Islands to consider matters within the jurisdiction of the two Joint Committees.

(d) Unresolved issues in the Joint Committee shall be referred to the Governments for resolution, and the Government of the Federated States of Micronesia shall be afforded, on an expeditious basis, an opportunity to raise its concerns with the United States Secretary of Defense personally regarding any unresolved issue which threatens its continued association with the Government of the United States.

Section 352

In the exercise of its authority and responsibility under Title Three, the Government of the United States shall accord due respect to the authority and responsibility of the Government of the Federated States of Micronesia under Titles One, Two and Four and to the responsibility of the Government of the Federated States of Micronesia to assure the well-being of its people.

Section 353

(a) The Government of the United States shall not include the Government of the Federated States of Micronesia as a named party to a formal declaration of war, without that Government's consent.

(b) Absent such consent, this Compact, as amended, is without prejudice, on the ground

of belligerence or the existence of a state of war, to any claims for damages which are advanced by the citizens, nationals or Government of the Federated States of Micronesia, which arise out of armed conflict subsequent to November 3, 1986, and which are:

(1) petitions to the Government of the United States for redress; or

(2) claims in any manner against the government, citizens, nationals or entities of any third country.

(c) Petitions under section 353(b)(1) shall be treated as if they were made by citizens of the United States.

Section 354

(a) The Government of the United States and the Government of the Federated States of Micronesia are jointly committed to continue their security and defense relations, as set forth in this Title. Accordingly, it is the intention of the two countries that the provisions of this Title shall remain binding as long as this Compact, as amended, remains in effect, and thereafter as mutually agreed, unless earlier terminated by mutual agreement pursuant to section 441, or amended pursuant to Article III of Title Four. If at any time the Government of the United States, or the Government of the Federated States of Micronesia, acting unilaterally, terminates this Title, such unilateral termination shall be considered to be termination of the entire Compact, in which case the provisions of section 442 and 452 (in the case of termination by the Government of the United States) or sections 443 and 453 (in the case of termination by the Government of the Federated States of Micronesia), with the exception of paragraph (3) of subsection (a) of section 452 or paragraph (3) of subsection (a) of section 453, as the case may be, shall apply.

(b) The Government of the United States recognizes, in view of the special relationship between the Government of the United States and the Government of the Federated States of Micronesia, and in view of the existence of the separate agreement regarding mutual security concluded with the Government of the Federated States of Micronesia pursuant to sections 321 and 323, that, even if this Title should terminate, any attack on the Federated States of Micronesia during the period in which such separate agreement is in effect, would constitute a threat to the peace and security of the entire region and a danger to the United States. In the event of such an attack, the Government of the United States would take action to meet the danger to the United States and to the Federated States of Micronesia in accordance with its constitutional processes.

(c) As reflected in Article 21(1)(b) of the Trust Fund Agreement, the Government of the United States and the Government of the Federated States of Micronesia further recognize, in view of the special relationship between their countries, that even if this Title should terminate, the Government of the Federated States of Micronesia shall refrain from actions which the Government of the United States determines, after appropriate consultation with that Government, to be incompatible with its authority and responsibility for security and defense matters in or relating to the Federated States of Micronesia or the Republic of the Marshall Islands.

TITLE FOUR

GENERAL PROVISIONS

Article I

Approval and Effective Date

Section 411

Pursuant to section 432 of the Compact and subject to subsection (e) of section 461 of the Compact, as amended, the Compact, as amended, shall come into effect upon mutual agreement between the Government of the United States and the Government of the Federated States of Micronesia subsequent to completion of the following:

(a) Approval by the Government of the Federated States of Micronesia in accordance with its constitutional processes.

(b) Approval by the Government of the United States in accordance with its constitutional processes.

Article II

Conference and Dispute Resolution

Section 421

The Government of the United States shall confer promptly at the request of the Government of the Federated States of Micronesia and that Government shall confer promptly at the request of the Government of the United States on matters relating to the provisions of this Compact, as amended, or of its related agreements.

Section 422

In the event the Government of the United States or the Government of the Federated States of Micronesia, after conferring pursuant to section 421, determines that there is a dispute and gives written notice thereof, the two Governments shall make a good faith effort to resolve the dispute between themselves.

Section 423

If a dispute between the Government of the United States and the Government of the Federated States of Micronesia cannot be resolved within 90 days of written notification in the manner provided in section 422, either party to the dispute may refer it to arbitration in accordance with section 424.

Section 424

Should a dispute be referred to arbitration as provided for in section 423, an Arbitration Board shall be established for the purpose of hearing the dispute and rendering a decision which shall be binding upon the two parties to the dispute unless the two parties mutually agree that the decision shall be advisory. Arbitration shall occur according to the following terms:

(a) An Arbitration Board shall consist of a Chairman and two other members, each of whom shall be a citizen of a party to the dispute. Each of the two Governments which is a party to the dispute shall appoint one member to the Arbitration Board. If either party to the dispute does not fulfill the appointment requirements of this section within 30 days of referral of the dispute to arbitration pursuant to section 423, its member on the Arbitration Board shall be selected from its own standing list by the other party to the dispute. Each Government shall maintain a standing list of 10 candidates. The parties to the dispute shall jointly appoint a Chairman within 15 days after selection of the other members of the Arbitration Board. Failing agreement on a Chairman, the Chairman shall be chosen by lot from the standing lists of the parties to the dispute within 5 days after such failure.

(b) Unless otherwise provided in this Compact, as amended, or its related agreements, the Arbitration Board shall have jurisdiction to hear and render its final determination on all disputes arising exclusively under Articles I, II, III, IV and V of Title One, Title Two, Title Four, and their related agreements.

(c) Each member of the Arbitration Board shall have one vote. Each decision of the Arbitration Board shall be reached by majority vote.

(d) In determining any legal issue, the Arbitration Board may have reference to international law and, in such reference, shall apply as guidelines the provisions set forth in Article 38 of the Statute of the International Court of Justice.

(e) The Arbitration Board shall adopt such rules for its proceedings as it may deem appropriate and necessary, but such rules shall not contravene the provisions of this Compact, as amended. Unless the parties provide otherwise by mutual agreement, the Arbitration Board shall endeavor to render its decision within 30 days after the conclusion of arguments. The Arbitration Board shall make findings of fact and conclusions of law and its members may issue dissenting or individual opinions. Except as may be otherwise decided by the Arbitration Board, one-half of all costs of the arbitration shall be borne by the Government of the United States and the remainder shall be borne by the Government of the Federated States of Micronesia.

Article III

Amendment

Section 431

The provisions of this Compact, as amended, may be further amended by mutual agreement of the Government of the United States and the Government of the Federated States of Micronesia, in accordance with their respective constitutional processes.

Article IV

Termination

Section 441

This Compact, as amended, may be terminated by mutual agreement of the Government of the Federated States of Micronesia and the Government of the United States, in accordance with their respective constitutional processes. Such mutual termination of this Compact, as amended, shall be without prejudice to the continued application of section 451 of this Compact, as amended, and the provisions of the Compact, as amended, set forth therein.

Section 442

Subject to section 452, this Compact, as amended, may be terminated by the Government of the United States in accordance with its constitutional processes. Such termination shall be effective on the date specified in the notice of termination by the Government of the United States but not earlier than six months following delivery of such notice. The time specified in the notice of termination may be extended. Such termination of this Compact, as amended, shall be without prejudice to the continued application of section 452 of this Compact, as amended, and the provisions of the Compact, as amended, set forth therein.

Section 443

This Compact, as amended, shall be terminated by the Government of the Federated States of Micronesia, pursuant to its constitutional processes, subject to section 453 if the people represented by that Government vote in a plebiscite to terminate the Compact, as amended, or by another process permitted by the FSM constitution and mutually agreed between the Governments of the United States and the Federated States of Micronesia. The Government of the Federated States of Micronesia shall notify the Government of the United States of its intention to call such a plebiscite, or to pursue another mutually agreed and constitutional process, which plebiscite or process shall take place not earlier than three months after delivery of such notice. The plebiscite or other process shall be administered by the Government of the Federated States of Micronesia in accordance with its constitutional and legislative processes. If a majority of the valid ballots cast in the plebiscite or other process favors termination, the Government of the Federated States of Micronesia shall, upon certification of the results of the plebiscite or other process, give notice of termination to the Government of the

United States, such termination to be effective on the date specified in such notice but not earlier than three months following the date of delivery of such notice. The time specified in the notice of termination may be extended.

Article V

Survivability

Section 451

(a) Should termination occur pursuant to section 441, economic and other assistance by the Government of the United States shall continue only if and as mutually agreed by the Governments of the United States and the Federated States of Micronesia, and in accordance with the parties' respective constitutional processes.

(b) In view of the special relationship of the United States and the Federated States of Micronesia, as reflected in subsections (b) and (c) of section 354 of this Compact, as amended, and the separate agreement entered into consistent with those subsections, if termination occurs pursuant to section 441 prior to the twentieth anniversary of the effective date of this Compact, as amended, the United States shall continue to make contributions to the Trust Fund described in section 215 of this Compact, as amended.

(c) In view of the special relationship of the United States and the Federated States of Micronesia described in subsection (b) of this section, if termination occurs pursuant to section 441 following the twentieth anniversary of the effective date of this Compact, as amended, the Federated States of Micronesia shall be entitled to receive proceeds from the Trust Fund described in section 215 of this Compact, as amended, in the manner described in those provisions and the Trust Fund Agreement governing the distribution of such proceeds.

Section 452

(a) Should termination occur pursuant to section 442 prior to the twentieth anniversary of the effective date of this Compact, as amended, the following provisions of this Compact, as amended, shall remain in full force and effect until the twentieth anniversary of the effective date of this Compact, as amended, and thereafter as mutually agreed:

(1) Article VI and sections 172, 173, 176 and 177 of Title One;

(2) Sections 232 and 234 of Title Two;

(3) Title Three; and

(4) Articles II, III, V and VI of Title Four.

(b) Should termination occur pursuant to section 442 before the twentieth anniversary of the effective date of the Compact, as amended:

(1) Except as provided in paragraph (2) of this subsection and subsection (c) of this section, economic and other assistance by the United States shall continue only if and as mutually agreed by the Governments of the United States and the Federated States of Micronesia.

(2) In view of the special relationship of the United States and the Federated States of Micronesia, as reflected in subsections (b) and (c) of section 354 of this Compact, as amended, and the separate agreement regarding mutual security, and the Trust Fund Agreement, the United States shall continue to make contributions to the Trust Fund described in section 215 of this Compact, as amended, in the manner described in the Trust Fund Agreement.

(c) In view of the special relationship of the United States and the Federated States of Micronesia, as reflected in subsections 354(b) and (c) of this Compact, as amended, and the separate agreement regarding mutual security, and the Trust Fund Agreement, if termination occurs pursuant to section 442 following the twentieth anniversary of the effective date of this Compact, as amended, the Federated States of Micronesia shall continue to be eligible to receive proceeds from the Trust Fund described in section 215 of this Compact, as amended, in the manner described in those provisions and the Trust Fund Agreement.

Section 453

(a) Should termination occur pursuant to section 443 prior to the twentieth anniversary of the effective date of this Compact, as amended, the following provisions of this Compact, as amended, shall remain in full force and effect until the twentieth anniversary of the effective date of this Compact, as amended, and thereafter as mutually agreed:

(1) Article VI and sections 172, 173, 176 and 177 of Title One;

(2) Sections 232 and 234 of Title Two;

(3) Title Three; and

(4) Articles II, III, V and VI of Title Four.

(b) Upon receipt of notice of termination pursuant to section 443, the Government of the United States and the Government of the Federated States of Micronesia shall promptly consult with regard to their future relationship. Except as provided in subsection (c) and (d) of this section, these consultations shall determine the level of economic and other assistance, if any, which the Government of the United States shall provide to the Government of the Federated States of Micronesia for the period ending on the twentieth anniversary of the effective date of this Compact, as amended, and for any period thereafter, if mutually agreed.

(c) In view of the special relationship of the United States and the Federated States of Micronesia, as reflected in subsections 354(b) and (c) of this Compact, as amended, and the separate agreement regarding mutual security, and the Trust Fund Agreement, if termination occurs pursuant to section 443 prior to the twentieth anniversary of the effective date of this Compact, as amended, the United States shall continue to make contributions to the Trust Fund described in section 215 of this Compact, as amended, in the manner described in the Trust Fund Agreement.

(d) In view of the special relationship of the United States and the Federated States of Micronesia, as reflected in subsections 354(b) and (c) of this Compact, as amended, and the separate agreement regarding mutual security, and the Trust Fund Agreement, if termination occurs pursuant to section 443 following the twentieth anniversary of the effective date of this Compact, as amended, the Federated States of Micronesia shall continue to be eligible to receive proceeds from the Trust Fund described in section 215 of this Compact, as amended, in the manner described in those provisions and the Trust Fund Agreement.

Section 454

Notwithstanding any other provision of this Compact, as amended:

(a) The Government of the United States reaffirms its continuing interest in promoting the economic advancement and budgetary self-reliance of the people of the Federated States of Micronesia.

(b) The separate agreements referred to in Article II of Title Three shall remain in effect in accordance with their terms.

Article VI

Definition of Terms

Section 461

For the purpose of this Compact, as amended, only, and without prejudice to the views of the Government of the United States or the Government of the Federated States of Micronesia as to the nature and extent of the jurisdiction of either of them under international law, the following terms shall have the following meanings:

(a) ''Trust Territory of the Pacific Islands'' means the area established in the Trusteeship Agreement consisting of the former administrative districts of Kosrae, Yap, Ponape, the Marshall Islands and Truk as described in Title One, Trust Territory Code, section 1, in force on January 1, 1979. This term does not include the area of Palau or the Northern Mariana Islands.

(b) ''Trusteeship Agreement'' means the agreement setting forth the terms of trusteeship for the Trust Territory of the Pacific Islands, approved by the Security Council of the United Nations April 2, 1947, and by the United States July 18, 1947, entered into force July 18, 1947, 61 Stat. 3301, T.I.A.S. 1665, 8 U.N.T.S. 189.

(c) ''The Federated States of Micronesia'' and ''the Republic of the Marshall Islands'' are used in a geographic sense and include the land and water areas to the outer limits of the territorial sea and the air space above such areas as now or hereafter recognized by the Government of the United States.

(d) ''Compact'' means the Compact of Free Association Between the United States and the Federated States of Micronesia and the Marshall Islands, that was approved by the United States Congress in section 201 of Public Law 99–239 (Jan. 14, 1986) and went into effect with respect to the Federated States of Micronesia on November 3, 1986.

(e) ''Compact, as amended'' means the Compact of Free Association Between the United States and the Federated States of Micronesia, as amended. The effective date of the Compact, as amended, shall be on a date to be determined by the President of the United States, and agreed to by the Government of the Federated States of Micronesia, following formal approval of the Compact, as amended, in accordance with section 411 of this Compact, as amended.

(f) ''Government of the Federated States of Micronesia'' means the Government established and organized by the Constitution of the Federated States of Micronesia including all the political subdivisions and entities comprising that Government.

(g) ''Government of the Republic of the Marshall Islands'' means the Government established and organized by the Constitution of the Republic of the Marshall Islands including all the political subdivisions and entities comprising that Government.

(h) The following terms shall be defined consistent with the 1998 Edition of the Radio Regulations of the International Telecommunications Union as follows:

(1) ''Radiocommunication'' means telecommunication by means of radio waves.

(2) ''Station'' means one or more transmitters or receivers or a combination of transmitters and receivers, including the accessory equipment, necessary at one location for carrying on a radiocommunication service, or the radio astronomy service.

(3) ''Broadcasting Service'' means a radiocommunication service in which the transmissions are intended for direct reception by the general public. This service may include sound transmissions, television transmissions or other types of transmission.

(4) ''Broadcasting Station'' means a station in the broadcasting service.

(5) ''Assignment (of a radio frequency or radio frequency channel)'' means an authorization given by an administration for a radio station to use a radio frequency or radio frequency channel under specified conditions.

(6) ''Telecommunication'' means any transmission, emission or reception of signs, signals, writings, images and sounds or intelligence of any nature by wire, radio, optical or other electromagnetic systems.

(i) ''Military Areas and Facilities'' means those areas and facilities in the Federated States of Micronesia reserved or acquired by

the Government of the Federated States of Micronesia for use by the Government of the United States, as set forth in the separate agreements referred to in section 321.

(j) ''Tariff Schedules of the United States'' means the Tariff Schedules of the United States as amended from time to time and as promulgated pursuant to United States law and includes the Tariff Schedules of the United States Annotated (TSUSA), as amended.

(k) ''Vienna Convention on Diplomatic Relations'' means the Vienna Convention on Diplomatic Relations, done April 18, 1961, 23 U.S.T. 3227, T.I.A.S. 7502, 500 U.N.T.S. 95.

Section 462

(a) The Government of the United States and the Government of the Federated States of Micronesia previously have concluded agreements pursuant to the Compact, which shall remain in effect and shall survive in accordance with their terms, as follows:

(1) Agreement Concluded Pursuant to Section 234 of the Compact;

(2) Agreement Between the Government of the United States and the Government of the Federated States of Micronesia Regarding Friendship, Cooperation and Mutual Security Concluded Pursuant to Sections 321 and 323 of the Compact of Free Association; and

(3) Agreement between the Government of the United States of America and the Federated States of Micronesia Regarding Aspects of the Marine Sovereignty and Jurisdiction of the Federated States of Micronesia.

(b) The Government of the United States and the Government of the Federated States of Micronesia shall conclude prior to the date of submission of this Compact, as amended, to the legislatures of the two countries, the following related agreements which shall come into effect on the effective date of this Compact, as amended, and shall survive in accordance with their terms, as follows:

(1) Federal Programs and Services Agreement Between the Government of the United States of America and the Government of the Federated States of Micronesia Concluded Pursuant to Article III of Title One, Article II of Title Two (including Section 222), and Section 231 of the Compact of Free Association, as amended which includes:

(i) Postal Services and Related Programs;

(ii) Weather Services and Related Programs;

(iii) Civil Aviation Safety Service and Related Programs;

(iv) Civil Aviation Economic Services and Related Programs;

(v) United States Disaster Preparedness and Response Services and Related Programs;

(vi) Federal Deposit Insurance Corporation Services and Related Programs; and

(vii) Telecommunications Services and Related Programs.

(2) Agreement Between the Government of the United States of America and the Government of the Federated States of Micronesia on Extradition, Mutual Assistance in Law Enforcement Matters and Penal Sanctions Concluded Pursuant to Section 175(a) of the Compact of Free Association, as amended;

(3) Agreement Between the Government of the United States of America and the Government of the Federated States of Micronesia on Labor Recruitment Concluded Pursuant to Section 175(b) of the Compact of Free Association, as amended;

(4) Agreement Concerning Procedures for the Implementation of United States Economic Assistance Provided in the Compact of Free Association, as Amended, of Free Association Between the Government of the United States of America and Government of the Federated States of Micronesia;

(5) Agreement Between the Government of the United States of America and the Government of the Federated States of Micronesia Implementing Section 215 and Section 216 of the Compact, as Amended, Regarding a Trust Fund;

(6) Agreement Regarding the Military Use and Operating Rights of the Government of the United States in the Federated States of Micronesia Concluded Pursuant to Sections 211(b), 321 and 323 of the Compact of Free Association, as Amended; and the

(7) Status of Forces Agreement Between the Government of the United States of America and the Government of the Federated States of Micronesia Concluded Pursuant to Section 323 of the Compact of Free Association, as Amended.

Section 463

(a) Except as set forth in subsection (b) of this section, any reference in this Compact, as amended, to a provision of the United States Code or the Statutes at Large of the United States constitutes the incorporation of the language of such provision into this Compact, as amended, as such provision was in force on the effective date of this Compact, as amended.

(b) Any reference in Articles IV and Article VI of Title One and Sections 174, 175, 178 and 342 to a provision of the United States Code or the Statutes at Large of the United States or to the Privacy Act, the Freedom of Information Act, the Administrative Procedure Act or the Immigration and Nationality Act constitutes the incorporation of the language of such provision into this Compact, as amended, as such provision was in force on the effective date of this Compact, as amended, or as it may be amended thereafter on a non-discriminatory basis according to the constitutional processes of the United States.

Article VII

Concluding Provisions

Section 471

Both the Government of the United States and the Government of the Federated States of Micronesia shall take all necessary steps, of a general or particular character, to ensure, no later than the entry into force date of this Compact, as amended, the conformity of its laws, regulations and administrative procedures with the provisions of this Compact, as amended, or in the case of subsection (d) of section 141, as soon as reasonably possible thereafter.

Section 472

This Compact, as amended, may be accepted, by signature or otherwise, by the Government of the United States and the Government of the Federated States of Micronesia.

IN WITNESS WHEREOF, the undersigned, duly authorized, have signed this Compact of Free Association, as amended, which shall enter into force upon the exchange of diplomatic notes by which the Government of the United States of America and the Government of the Federated States of Micronesia inform each other about the fulfillment of their respective requirements for entry into force.

DONE at Pohnpei, Federated States of Micronesia, in duplicate, this fourteenth (14) day of May, 2003, each text being equally authentic.

Signed (May 14, 2003)
For the Government of the United States of America:

Signed (May 14, 2003)
For the Government of the Federated States of Micronesia:

(b) COMPACT OF FREE ASSOCIATION, AS AMENDED, BETWEEN THE GOVERNMENT OF THE UNITED STATES OF AMERICA AND THE GOVERNMENT OF THE REPUBLIC OF THE MARSHALL ISLANDS

PREAMBLE

THE GOVERNMENT OF THE UNITED STATES OF AMERICA AND THE GOVERNMENT OF THE REPUBLIC OF THE MARSHALL ISLANDS

Affirming that their Governments and their relationship as Governments are founded upon respect for human rights and fundamental freedoms for all, and that the people of the Republic of the Marshall Islands have the right to enjoy self-government; and

Affirming the common interests of the United States of America and the Republic of the Marshall Islands in creating and maintaining their close and mutually beneficial relationship through the free and voluntary association of their respective Governments; and

Affirming the interest of the Government of the United States in promoting the economic advancement and budgetary self-reliance of the Republic of the Marshall Islands; and

Recognizing that their relationship until the entry into force on October 21, 1986 of the Compact was based upon the International Trusteeship System of the United Nations Charter, and in particular Article 76 of the Charter; and that pursuant to Article 76 of the Charter, the people of the Republic of the Marshall Islands have progressively developed their institutions of self-government, and that in the exercise of their sovereign right to self-determination they, through their freely-expressed wishes, have adopted a Constitution appropriate to their particular circumstances; and

Recognizing that the Compact reflected their common desire to terminate the Trusteeship and establish a government-to-government relationship which was in accordance with the new political status based on the freely expressed wishes of the people of the Republic of the Marshall Islands and appropriate to their particular circumstances; and

Recognizing that the people of the Republic of the Marshall Islands have and retain their sovereignty and their sovereign right to self-determination and the inherent right to adopt and amend their own Constitution and form of government and that the approval of the entry of the Government of the Republic of the Marshall Islands into the Compact by the people of the Republic of the Marshall Islands constituted an exercise of their sovereign right to self-determination; and

Recognizing the common desire of the people of the United States and the people of the Republic of the Marshall Islands to maintain their close government-to-government relationship, the United States and the Republic of the Marshall Islands:

NOW, THEREFORE, MUTUALLY AGREE to continue and strengthen their relationship of free association by amending the Compact, which continues to provide a full measure of self-government for the people of the Republic of the Marshall Islands; and

FURTHER AGREE that the relationship of free association derives from and is as set forth in this Compact, as amended, by the Governments of the United States and the Republic of the Marshall Islands; and that, during such relationship of free association, the respective rights and responsibilities of the Government of the United States and the Government of the Republic of the Marshall Islands in regard to this relationship of free association derive from and are as set forth in this Compact, as amended.

TITLE ONE

GOVERNMENTAL RELATIONS

Article I

Self-Government

Section 111

The people of the Republic of the Marshall Islands, acting through the Government established under their Constitution, are self-governing.

Article II

Foreign Affairs

Section 121

(a) The Government of the Republic of the Marshall Islands has the capacity to conduct foreign affairs and shall do so in its own name and right, except as otherwise provided in this Compact, as amended.

(b) The foreign affairs capacity of the Government of the Republic of the Marshall Islands includes:

(1) the conduct of foreign affairs relating to law of the sea and marine resources matters, including the harvesting, conservation, exploration or exploitation of living and nonliving resources from the sea, seabed or subsoil to the full extent recognized under international law;

(2) the conduct of its commercial, diplomatic, consular, economic, trade, banking, postal, civil aviation, communications, and cultural relations, including negotiations for the receipt of developmental loans and grants and the conclusion of arrangements with other governments and international and intergovernmental organizations, including any matters specially benefiting its individual citizens.

(c) The Government of the United States recognizes that the Government of the Republic of the Marshall Islands has the capacity to enter into, in its own name and right, treaties and other international agreements with governments and regional and international organizations.

(d) In the conduct of its foreign affairs, the Government of the Republic of the Marshall Islands confirms that it shall act in accordance with principles of international law and shall settle its international disputes by peaceful means.

Section 122

The Government of the United States shall support applications by the Government of the Republic of the Marshall Islands for membership or other participation in regional or international organizations as may be mutually agreed.

Section 123

(a) In recognition of the authority and responsibility of the Government of the United States under Title Three, the Government of the Republic of the Marshall Islands shall consult, in the conduct of its foreign affairs, with the Government of the United States.

(b) In recognition of the foreign affairs capacity of the Government of the Republic of the Marshall Islands, the Government of the United States, in the conduct of its foreign affairs, shall consult with the Government of the Republic of the Marshall Islands on matters that the Government of the United States regards as relating to or affecting the Government of the Republic of the Marshall Islands.

Section 124

The Government of the United States may assist or act on behalf of the Government of the Republic of the Marshall Islands in the area of foreign affairs as may be requested and mutually agreed from time to time. The Government of the United States shall not be responsible to third parties for the actions of the Government of the Republic of the Marshall Islands undertaken with the assistance or through the agency of the Government of the United States pursuant to this section unless expressly agreed.

Section 125

The Government of the United States shall not be responsible for nor obligated by any actions taken by the Government of the Republic of the Marshall Islands in the area of foreign affairs, except as may from time to time be expressly agreed.

Section 126

At the request of the Government of the Republic of the Marshall Islands and subject to the consent of the receiving state, the Government of the United States shall extend consular assistance on the same basis as for citizens of the United States to citizens of the Republic of the Marshall Islands for travel outside the Republic of the Marshall Islands, the United States and its territories and possessions.

Section 127

Except as otherwise provided in this Compact, as amended, or its related agreements, all obligations, responsibilities, rights and benefits of the Government of the United States as Administering Authority which resulted from the application pursuant to the Trusteeship Agreement of any treaty or other international agreement to the Trust Territory of the Pacific Islands on October 20, 1986, are, as of that date, no longer assumed and enjoyed by the Government of the United States.

Article III

Communications

Section 131

(a) The Government of the Republic of the Marshall Islands has full authority and responsibility to regulate its domestic and foreign communications, and the Government of the United States shall provide communications assistance as mutually agreed.

(b) The Government of the Republic of the Marshall Islands has elected to undertake all functions previously performed by the Government of the United States with respect to domestic and foreign communications, except for those functions set forth in a separate agreement entered into pursuant to this section of the Compact, as amended.

Section 132

The Government of the Republic of the Marshall Islands shall permit the Government of the United States to operate telecommunications services in the Republic of the Marshall Islands to the extent necessary to fulfill the obligations of the Government of the United States under this Compact, as amended, in accordance with the terms of separate agreements entered into pursuant to this section of the Compact, as amended.

Article IV

Immigration

Section 141

(a) In furtherance of the special and unique relationship that exists between the United States and the Republic of the Marshall Islands, under the Compact, as amended, any person in the following categories may be admitted to, lawfully engage in occupations in, and establish residence as a nonimmigrant in the United States and its territories and possessions (the ''United States'') without regard to paragraphs (5) or (7)(B)(i)(II) of section 212(a) of the Immigration and Nationality Act, as amended, 8 U.S.C. 1182(a)(5) or (7)(B)(i)(II):

(1) a person who, on October 21, 1986, was a citizen of the Trust Territory of the Pacific Islands, as defined in Title 53 of the Trust Territory Code in force on January 1, 1979, and has become and remains a citizen of the Republic of the Marshall Islands;

(2) a person who acquires the citizenship of the Republic of the Marshall Islands at birth, on or after the effective date of the Constitution of the Republic of the Marshall Islands;

(3) an immediate relative of a person referred to in paragraphs (1) or (2) of this section, provided that such immediate relative is a naturalized citizen of the Republic of the Marshall Islands who has been an actual resident there for not less than five years after attaining such naturalization and who holds a certificate of actual residence, and further provided, that, in the case of a spouse, such spouse has been married to the person referred to in paragraph (1) or (2) of this section for at least five years, and further provided, that the Government of the United States is satisfied that such naturalized citizen meets the requirement of subsection (b) of section 104 of Public Law 99–239 as it was in effect on the day prior to the effective date of this Compact, as amended;

(4) a naturalized citizen of the Republic of the Marshall Islands who was an actual resident there for not less than five years after attaining such naturalization and who satisfied these requirements as of April 30, 2003, who continues to be an actual resident and holds a certificate of actual residence, and whose name is included in a list furnished by the Government of the Republic of the Marshall Islands to the Government of the United States no later than the effective date of the Compact, as amended, in form and content acceptable to the Government of the United States, provided, that the Government of the United States is satisfied that such naturalized citizen meets the requirement of subsection (b) of section 104 of Public Law 99–239 as it was in effect on the day prior to the effective date of this Compact, as amended; or

(5) an immediate relative of a citizen of the Republic of the Marshall Islands, regardless of the immediate relative's country of citizenship or period of residence in the Republic of the Marshall Islands, if the citizen of the Republic of the Marshall Islands is serving on active duty in any branch of the United States Armed Forces, or in the active reserves.

(b) Notwithstanding subsection (a) of this section, a person who is coming to the United States pursuant to an adoption outside the United States, or for the purpose of adoption in the United States, is ineligible for admission under the Compact and the Compact, as amended. This subsection shall apply to any person who is or was an applicant for admission to the United States on or after March 1, 2003, including any applicant for admission in removal proceedings (including appellate proceedings) on or after March 1, 2003, regardless of the date such proceedings were commenced. This subsection shall have no effect on the ability of the Government of the United States or any United States State or local government to commence or otherwise take any action against any person or entity who has violated any law relating to the adoption of any person.

(c) Notwithstanding subsection (a) of this section, no person who has been or is granted citizenship in the Republic of the Marshall Islands, or has been or is issued a Republic of the Marshall Islands passport pursuant to any investment, passport sale, or similar program has been or shall be eligible for admission to the United States under the Compact or the Compact, as amended.

(d) A person admitted to the United States under the Compact, or the Compact, as amended, shall be considered to have the permission of the Government of the United States to accept employment in the United States. An unexpired Republic of the Marshall Islands passport with unexpired documentation issued by the Government of the United States evidencing admission under the Compact or the Compact, as amended, shall be considered to be documentation establishing identity and employment authorization under section 274A(b)(1)(B) of the Immigration and Nationality Act, as amended,

8 U.S.C. 1324a(b)(1)(B). The Government of the United States will take reasonable and appropriate steps to implement and publicize this provision, and the Government of the Republic of the Marshall Islands will also take reasonable and appropriate steps to publicize this provision.

(e) For purposes of the Compact and the Compact, as amended,

(1) the term ''residence'' with respect to a person means the person's principal, actual dwelling place in fact, without regard to intent, as provided in section 101(a)(33) of the Immigration and Nationality Act, as amended, 8 U.S.C. 1101(a)(33), and variations of the term ''residence,'' including ''resident'' and ''reside,'' shall be similarly construed;

(2) the term ''actual residence'' means physical presence in the Republic of the Marshall Islands during eighty-five percent of the five-year period of residency required by section 141(a)(3) and (4);

(3) the term ''certificate of actual residence'' means a certificate issued to a naturalized citizen by the Government of the Republic of the Marshall Islands stating that the citizen has complied with the actual residence requirement of section 141(a)(3) or (4);

(4) the term ''nonimmigrant'' means an alien who is not an ''immigrant'' as defined in section 101(a)(15) of such Act, 8 U.S.C. 1101(a)(15); and

(5) the term ''immediate relative'' means a spouse, or unmarried son or unmarried daughter less than 21 years of age.

(f) The Immigration and Nationality Act, as amended, shall apply to any person admitted or seeking admission to the United States (other than a United States possession or territory where such Act does not apply) under the Compact or the Compact, as amended, and nothing in the Compact or the Compact, as amended, shall be construed to limit, preclude, or modify the applicability of, with respect to such person:

(1) any ground of inadmissibility or deportability under such Act (except sections 212(a)(5) and 212(a)(7)(B)(i)(II) of such Act, as provided in subsection (a) of this section), and any defense thereto, provided that, section 237(a)(5) of such Act shall be construed and applied as if it reads as follows: ''any alien who has been admitted under the Compact, or the Compact, as amended, who cannot show that he or she has sufficient means of support in the United States, is deportable;''

(2) the authority of the Government of the United States under section 214(a)(1) of such Act to provide that admission as a nonimmigrant shall be for such time and under such conditions as the Government of the United States may by regulations prescribe;

(3) except for the treatment of certain documentation for purposes of section 274A(b)(1)(B) of such Act as provided by subsection (d) of this section of the Compact, as amended, any requirement under section 274A, including but not limited to section 274A(b)(1)(E);

(4) section 643 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996, Public Law 104–208, and actions taken pursuant to section 643; and

(5) the authority of the Government of the United States otherwise to administer and enforce the Immigration and Nationality Act, as amended, or other United States law.

(g) Any authority possessed by the Government of the United States under this section of the Compact or the Compact, as amended, may also be exercised by the Government of a territory or possession of the United States where the Immigration and Nationality Act, as amended, does not apply, to the extent such exercise of authority is lawful under a statute or regulation of such territory or possession that is authorized by the laws of the United States.

(h) Subsection (a) of this section does not confer on a citizen of the Republic of the Marshall Islands the right to establish the residence necessary for naturalization under the Immigration and Nationality Act, as amended, or to petition for benefits for alien relatives under that Act. Subsection (a) of this section, however, shall not prevent a citizen of the Republic of the Marshall Islands from otherwise acquiring such rights or lawful permanent resident alien status in the United States.

Section 142

(a) Any citizen or national of the United States may be admitted to lawfully engage in occupations, and reside in the Republic of the Marshall Islands, subject to the rights of the Government of the Republic of the Marshall Islands to deny entry to or deport any such citizen or national as an undesirable alien. Any determination of inadmissibility or deportability shall be based on reasonable statutory grounds and shall be subject to appropriate administrative and judicial review within the Republic of the Marshall Islands. If a citizen or national of the United States is a spouse of a citizen of the Republic of the Marshall Islands, the Government of the Republic of the Marshall Islands shall allow the United States citizen spouse to establish residence. Should the Republic of the Marshall Islands citizen spouse predecease the United States citizen spouse during the marriage, the Government of the Republic of the Marshall Islands shall allow the United States citizen spouse to continue to reside in the Republic of the Marshall Islands.

(b) In enacting any laws or imposing any requirements with respect to citizens and nationals of the United States entering the Republic of the Marshall Islands under subsection (a) of this section, including any grounds of inadmissibility or deportability, the Government of the Republic of the Marshall Islands shall accord to such citizens and nationals of the United States treatment no less favorable than that accorded to citizens of other countries.

(c) Consistent with subsection (a) of this section, with respect to citizens and nationals of the United States seeking to engage in employment or invest in the Republic of the Marshall Islands, the Government of the Republic of the Marshall Islands shall adopt immigration-related procedures no less favorable than those adopted by the Government of the United States with respect to citizens of the Republic of the Marshall Islands seeking employment in the United States.

Section 143

Any person who relinquishes, or otherwise loses, his United States nationality or citizenship, or his Republic of the Marshall Islands citizenship, shall be ineligible to receive the privileges set forth in sections 141 and 142. Any such person may apply for admission to the United States or the Republic of the Marshall Islands, as the case may be, in accordance with any other applicable laws of the United States or the Republic of the Marshall Islands relating to immigration of aliens from other countries. The laws of the Republic of the Marshall Islands or the United States, as the case may be, shall dictate the terms and conditions of any such person's stay.

Article V

Representation

Section 151

Relations between the Government of the United States and the Government of the Republic of the Marshall Islands shall be conducted in accordance with the Vienna Convention on Diplomatic Relations. In addition to diplomatic missions and representation, the Governments may establish and maintain other offices and designate other representatives on terms and in locations as may be mutually agreed.

Section 152

(a) Any citizen or national of the United States who, without authority of the United States, acts as the agent of the Government of the Republic of the Marshall Islands with regard to matters specified in the provisions of the Foreign Agents Registration Act of 1938, as amended (22 U.S.C. 611 et seq.), that apply with respect to an agent of a foreign principal shall be subject to the requirements of such Act. Failure to comply with such requirements shall subject such citizen or national to the same penalties and provisions of law as apply in the case of the failure of such an agent of a foreign principal to comply with such requirements. For purposes of the Foreign Agents Registration Act of 1938, the Republic of the Marshall Islands shall be considered to be a foreign country.

(b) Subsection (a) of this section shall not apply to a citizen or national of the United States employed by the Government of the Republic of the Marshall Islands with respect to whom the Government of the Republic of the Marshall Islands from time to time certifies to the Government of the United States that such citizen or national is an employee of the Republic of the Marshall Islands whose principal duties are other than those matters specified in the Foreign Agents Registration Act of 1938, as amended, that apply with respect to an agent of a foreign principal. The agency or officer of the United States receiving such certifications shall cause them to be filed with the Attorney General, who shall maintain a publicly available list of the persons so certified.

Article VI

Environmental Protection

Section 161

The Governments of the United States and the Republic of the Marshall Islands declare that it is their policy to promote efforts to prevent or eliminate damage to the environment and biosphere and to enrich understanding of the natural resources of the Republic of the Marshall Islands. In order to carry out this policy, the Government of the United States and the Government of the Republic of the Marshall Islands agree to the following mutual and reciprocal undertakings:

(a) The Government of the United States:

(1) shall, for its activities controlled by the U.S. Army at Kwajalein Atoll and in the Mid-Atoll Corridor and for U.S. Army Kwajalein Atoll activities in the Republic of the Marshall Islands, continue to apply the Environmental Standards and Procedures for United States Army Kwajalein Atoll Activities in the Republic of the Marshall Islands, unless and until those Standards or Procedures are modified by mutual agreement of the Governments of the United States and the Republic of the Marshall Islands;

(2) shall apply the National Environmental Policy Act of 1969, 83 Stat. 852, 42 U.S.C. 4321 et seq., to its activities under the Compact, as amended, and its related agreements as if the Republic of the Marshall Islands were the United States;

(3) in the conduct of any activity not described in section 161(a)(1) requiring the preparation of an Environmental Impact Statement under section 161(a)(2), shall comply with standards substantively similar to those required by the following laws of the United States, taking into account the particular environment of the Republic of the Marshall Islands; the Endangered Species Act of 1973, as amended, 16 U.S.C. 1531 et seq.; the Clean Air Act, as amended, 42 U.S.C. 7401

et seq.; the Clean Water Act (Federal Water Pollution Control Act), as amended, 33 U.S.C. 1251 et seq.; Title I of the Marine Protection, Research and Sanctuaries Act of 1972 (the Ocean Dumping Act), 33 U.S.C. 1411 et seq.; the Toxic Substances Control Act, as amended, 15 U.S.C. 2601 et seq.; the Solid Waste Disposal Act, as amended, 42 U.S.C. 6901 et seq.; and such other environmental protection laws of the United States and the Republic of the Marshall Islands as may be agreed from time to time with the Government of the Republic of the Marshall Islands;

(4) shall, prior to conducting any activity not described in section 161(a)(1) requiring the preparation of an Environmental Impact Statement under section 161(a)(2), develop, as agreed with the Government of the Republic of the Marshall Islands, written environmental standards and procedures to implement the substantive provisions of the laws made applicable to U.S. Government activities in the Republic of the Marshall Islands, pursuant to section 161(a)(3).

(b) The Government of the Republic of the Marshall Islands shall continue to develop and implement standards and procedures to protect its environment. As a reciprocal obligation to the undertakings of the Government of the United States under this Article, the Republic of the Marshall Islands, taking into account its particular environment, shall continue to develop and implement standards for environmental protection substantively similar to those required of the Government of the United States by section 161(a)(3) prior to its conducting activities in the Republic of the Marshall Islands, substantively equivalent to activities conducted there by the Government of the United States and, as a further reciprocal obligation, shall enforce those standards.

(c) Section 161(a), including any standard or procedure applicable thereunder, and section 161(b) may be modified or superseded in whole or in part by agreement of the Government of the United States and the Government of the Republic of the Marshall Islands.

(d) In the event that an Environmental Impact Statement is no longer required under the laws of the United States for major Federal actions significantly affecting the quality of the human environment, the regulatory regime established under sections 161(a)(3) and 161(a)(4) shall continue to apply to such activities of the Government of the United States until amended by mutual agreement.

(e) The President of the United States may exempt any of the activities of the Government of the United States under this Compact, as amended, and its related agreements from any environmental standard or procedure which may be applicable under sections 161(a)(3) and 161(a)(4) if the President determines it to be in the paramount interest of the Government of the United States to do so, consistent with Title Three of this Compact, as amended, and the obligations of the Government of the United States under international law. Prior to any decision pursuant to this subsection, the views of the Government of the Republic of the Marshall Islands shall be sought and considered to the extent practicable. If the President grants such an exemption, to the extent practicable, a report with his reasons for granting such exemption shall be given promptly to the Government of the Republic of the Marshall Islands.

(f) The laws of the United States referred to in section 161(a)(3) shall apply to the activities of the Government of the United States under this Compact, as amended, and its related agreements only to the extent provided for in this section.

Section 162

The Government of the Republic of the Marshall Islands may bring an action for judicial review of any administrative agency action or any activity of the Government of the United States pursuant to section 161(a) for enforcement of the obligations of the Government of the United States arising thereunder. The United States District Court for the District of Hawaii and the United States District Court for the District of Columbia shall have jurisdiction over such action or activity, and over actions brought under section 172(b) which relate to the activities of the Government of the United States and its officers and employees, governed by section 161, provided that:

(a) Such actions may only be civil actions for any appropriate civil relief other than punitive damages against the Government of the United States or, where required by law, its officers in their official capacity; no criminal actions may arise under this section.

(b) Actions brought pursuant to this section may be initiated only by the Government of the Republic of the Marshall Islands.

(c) Administrative agency actions arising under section 161 shall be reviewed pursuant to the standard of judicial review set forth in 5 U.S.C. 706.

(d) The United States District Court for the District of Hawaii and the United States District Court for the District of Columbia shall have jurisdiction to issue all necessary processes, and the Government of the United States agrees to submit itself to the jurisdiction of the court; decisions of the United States District Court shall be reviewable in the United States Court of Appeals for the Ninth Circuit or the United States Court of Appeals for the District of Columbia, respectively, or in the United States Supreme Court as provided by the laws of the United States.

(e) The judicial remedy provided for in this section shall be the exclusive remedy for the judicial review or enforcement of the obligations of the Government of the United States under this Article and actions brought under section 172(b), which relate to the activities of the Government of the United States and its officers and employees governed by section 161.

(f) In actions pursuant to this section, the Government of the Republic of the Marshall Islands shall be treated as if it were a United States citizen.

Section 163

(a) For the purpose of gathering data necessary to study the environmental effects of activities of the Government of the United States subject to the requirements of this Article, the Government of the Republic of the Marshall Islands shall be granted access to facilities operated by the Government of the United States in the Republic of the Marshall Islands, to the extent necessary for this purpose, except to the extent such access would unreasonably interfere with the exercise of the authority and responsibility of the Government of the United States under Title Three.

(b) The Government of the United States, in turn, shall be granted access to the Republic of the Marshall Islands for the purpose of gathering data necessary to discharge its obligations under this Article, except to the extent such access would unreasonably interfere with the exercise of the authority and responsibility of the Government of the Republic of the Marshall Islands under Title One, and to the extent necessary for this purpose shall be granted access to documents and other information to the same extent similar access is provided the Government of the Republic of the Marshall Islands under the Freedom of Information Act, 5 U.S.C. 552.

(c) The Government of the Republic of the Marshall Islands shall not impede efforts by the Government of the United States to comply with applicable standards and procedures.

Article VII

General Legal Provisions

Section 171

Except as provided in this Compact, as amended, or its related agreements, the application of the laws of the United States to the Trust Territory of the Pacific Islands by virtue of the Trusteeship Agreement ceased with respect to the Marshall Islands on October 21, 1986, the date the Compact went into effect.

Section 172

(a) Every citizen of the Republic of the Marshall Islands who is not a resident of the United States shall enjoy the rights and remedies under the laws of the United States enjoyed by any non-resident alien.

(b) The Government of the Republic of the Marshall Islands and every citizen of the Republic of the Marshall Islands shall be considered to be a ''person'' within the meaning of the Freedom of Information Act, 5 U.S.C. 552, and of the judicial review provisions of the Administrative Procedure Act, 5 U.S.C. 701-706, except that only the Government of the Republic of the Marshall Islands may seek judicial review under the Administrative Procedure Act or judicial enforcement under the Freedom of Information Act when such judicial review or enforcement relates to the activities of the Government of the United States governed by sections 161 and 162.

Section 173

The Governments of the United States and the Republic of the Marshall Islands agree to adopt and enforce such measures, consistent with this Compact, as amended, and its related agreements, as may be necessary to protect the personnel, property, installations, services, programs and official archives and documents maintained by the Government of the United States in the Republic of the Marshall Islands pursuant to this Compact, as amended, and its related agreements and by the Government of the Republic of the Marshall Islands in the United States pursuant to this Compact, Compact, as amended, and its related agreements.

Section 174

Except as otherwise provided in this Compact, as amended, and its related agreements:

(a) The Government of the Republic of the Marshall Islands, and its agencies and officials, shall be immune from the jurisdiction of the courts of the United States, and the Government of the United States, and its agencies and officials, shall be immune from the jurisdiction of the courts of the Republic of the Marshall Islands.

(b) The Government of the United States accepts responsibility for and shall pay:

(1) any unpaid money judgment rendered by the High Court of the Trust Territory of the Pacific Islands against the Government of the United States with regard to any cause of action arising as a result of acts or omissions of the Government of the Trust Territory of the Pacific Islands or the Government of the United States prior to October 21, 1986;

(2) any claim settled by the claimant and the Government of the Trust Territory of the Pacific Islands but not paid as of the October 21, 1986; and

(3) settlement of any administrative claim or of any action before a court of the Trust Territory of the Pacific Islands or the Government of the United States, arising as a

result of acts or omissions of the Government of the Trust Territory of the Pacific Islands or the Government of the United States.

(c) Any claim not referred to in section 174(b) and arising from an act or omission of the Government of the Trust Territory of the Pacific Islands or the Government of the United States prior to the effective date of the Compact shall be adjudicated in the same manner as a claim adjudicated according to section 174(d). In any claim against the Government of the Trust Territory of the Pacific Islands, the Government of the United States shall stand in the place of the Government of the Trust Territory of the Pacific Islands. A judgment on any claim referred to in section 174(b) or this subsection, not otherwise satisfied by the Government of the United States, may be presented for certification to the United States Court of Appeals for the Federal Circuit, or its successor courts, which shall have jurisdiction therefore, notwithstanding the provisions of 28 U.S.C. 1502, and which court's decisions shall be reviewable as provided by the laws of the United States. The United States Court of Appeals for the Federal Circuit shall certify such judgment, and order payment thereof, unless it finds, after a hearing, that such judgment is manifestly erroneous as to law or fact, or manifestly excessive. In either of such cases the United States Court of Appeals for the Federal Circuit shall have jurisdiction to modify such judgment.

(d) The Government of the Republic of the Marshall Islands shall not be immune from the jurisdiction of the courts of the United States, and the Government of the United States shall not be immune from the jurisdiction of the courts of the Republic of the Marshall Islands in any civil case in which an exception to foreign state immunity is set forth in the Foreign Sovereign Immunities Act (28 U.S.C. 1602 et seq.) or its successor statutes.

Section 175

(a) A separate agreement, which shall come into effect simultaneously with this Compact, as amended, and shall have the force of law, shall govern mutual assistance and cooperation in law enforcement matters, including the pursuit, capture, imprisonment and extradition of fugitives from justice and the transfer of prisoners, as well as other law enforcement matters. In the United States, the laws of the United States governing international extradition, including 18 U.S.C. 3184, 3186, and 3188–95, shall be applicable to the extradition of fugitives under the separate agreement, and the laws of the United States governing the transfer of prisoners, including 18 U.S.C. 4100–15, shall be applicable to the transfer of prisoners under the separate agreement; and

(b) A separate agreement, which shall come into effect simultaneously with this Compact, as amended, and shall have the force of law, shall govern requirements relating to labor recruitment practices, including registration, reporting, suspension or revocation of authorization to recruit persons for employment in the United States, and enforcement for violations of such requirements.

Section 176

The Government of the Republic of the Marshall Islands confirms that final judgments in civil cases rendered by any court of the Trust Territory of the Pacific Islands shall continue in full force and effect, subject to the constitutional power of the courts of the Republic of the Marshall Islands to grant relief from judgments in appropriate cases.

Section 177

Section 177 of the Compact entered into force with respect to the Marshall Islands on October 21, 1986 as follows:

''(a) The Government of the United States accepts the responsibility for compensation owing to citizens of the Marshall Islands, or the Federated States of Micronesia, (or Palau) for loss or damage to property and person of the citizens of the Marshall Islands, or the Federated States of Micronesia, resulting from the nuclear testing program which the Government of the United States conducted in the Northern Marshall Islands between June 30, 1946, and August 18, 1958.

(b) The Government of the United States and the Government of the Marshall Islands shall set forth in a separate agreement provisions for the just and adequate settlement of all such claims which have arisen in regard to the Marshall Islands and its citizens and which have not as yet been compensated or which in the future may arise, for the continued administration by the Government of the United States of direct radiation related medical surveillance and treatment programs and radiological monitoring activities and for such additional programs and activities as may be mutually agreed, and for the assumption by the Government of the Marshall Islands of responsibility for enforcement of limitations on the utilization of affected areas developed in cooperation with the Government of the United States and for the assistance by the Government of the United States in the exercise of such responsibility as may be mutually agreed. This separate agreement shall come into effect simultaneously with this Compact and shall remain in effect in accordance with its own terms.

(c) The Government of the United States shall provide to the Government of the Marshall Islands, on a grant basis, the amount of $150 million to be paid and distributed in accordance with the separate agreement referred to in this Section, and shall provide the services and programs set forth in this separate agreement, the language of which is incorporated into this Compact.''

The Compact, as amended, makes no changes to, and has no effect upon, Section 177 of the Compact, nor does the Compact, as amended, change or affect the separate agreement referred to in Section 177 of the Compact including Articles IX and X of that separate agreement, and measures taken by the parties thereunder.

Section 178

(a) The Federal agencies of the Government of the United States that provide services and related programs in the Republic of the Marshall Islands pursuant to Title Two are authorized to settle and pay tort claims arising in the Republic of the Marshall Islands from the activities of such agencies or from the acts or omissions of the employees of such agencies. Except as provided in section 178(b), the provisions of 28 U.S.C. 2672 and 31 U.S.C. 1304 shall apply exclusively to such administrative settlements and payments.

(b) Claims under section 178(a) that cannot be settled under section 178(a) shall be disposed of exclusively in accordance with Article II of Title Four. Arbitration awards rendered pursuant to this subsection shall be paid out of funds under 31 U.S.C. 1304.

(c) The Government of the United States and the Government of the Republic of the Marshall Islands shall, in the separate agreement referred to in section 231, provide for:

(1) the administrative settlement of claims referred to in section 178(a), including designation of local agents in each State of the Republic of the Marshall Islands; such agents to be empowered to accept, investigate and settle such claims, in a timely manner, as provided in such separate agreements; and

(2) arbitration, referred to in section 178(b), in a timely manner, at a site convenient to the claimant, in the event a claim is not otherwise settled pursuant to section 178(a).

(d) The provisions of section 174(d) shall not apply to claims covered by this section.

(e) Except as otherwise explicitly provided by law of the United States, this Compact, as amended, or its related agreements, neither the Government of the United States, its instrumentalities, nor any person acting on behalf of the Government of the United States, shall be named a party in any action based on, or arising out of, the activity or activities of a recipient of any grant or other assistance provided by the Government of the United States (or the activity or activities of the recipient's agency or any other person or entity acting on behalf of the recipient).

Section 179

(a) The courts of the Republic of the Marshall Islands shall not exercise criminal jurisdiction over the Government of the United States, or its instrumentalities.

(b) The courts of the Republic of the Marshall Islands shall not exercise criminal jurisdiction over any person if the Government of the United States provides notification to the Government of the Republic of the Marshall Islands that such person was acting on behalf of the Government of the United States, for actions taken in furtherance of section 221 or 224 of this amended Compact, or any other provision of law authorizing financial, program, or service assistance to the Republic of the Marshall Islands.

TITLE TWO

ECONOMIC RELATIONS

Article I

Grant Assistance

Section 211 - Annual Grant Assistance

(a) In order to assist the Government of the Republic of the Marshall Islands in its efforts to promote the economic advancement and budgetary self-reliance of its people, and in recognition of the special relationship that exists between the Republic of the Marshall Islands and the United States, the Government of the United States shall provide assistance on a grant basis for a period of twenty years in the amounts set forth in section 217, commencing on the effective date of this Compact, as amended. Such grants shall be used for assistance in education, health care, the environment, public sector capacity building, and private sector development, or for other areas as mutually agreed, with priorities in the education and health care sectors. Consistent with the medium-term budget and investment framework described in subsection (f) of this section, the proposed division of this amount among the identified areas shall require the concurrence of both the Government of the United States and the Government of the Republic of the Marshall Islands, through the Joint Economic Management and Financial Accountability Committee described in section 214. The Government of the United States shall disburse the grant assistance and monitor the use of such grant assistance in accordance with the provisions of this Article and an Agreement Concerning Procedures for the Implementation of United States Economic Assistance Provided in the Compact, as Amended, of Free Association Between the Government of the United States of America and the Government of the Republic of the Marshall Islands (''Fiscal Procedures Agreement'') which shall come into effect simultaneously with this Compact, as amended.

(1) EDUCATION.—United States grant assistance shall be made available in accordance with the strategic framework described in subsection (f) of this section to support and improve the educational system of the Republic of the Marshall Islands and develop the human, financial, and material resources

necessary for the Republic of the Marshall Islands to perform these services. Emphasis should be placed on advancing a quality basic education system.

(2) HEALTH.—United States grant assistance shall be made available in accordance with the strategic framework described in subsection (f) of this section to support and improve the delivery of preventive, curative and environmental care and develop the human, financial, and material resources necessary for the Republic of the Marshall Islands to perform these services.

(3) PRIVATE SECTOR DEVELOPMENT.—United States grant assistance shall be made available in accordance with the strategic framework described in subsection (f) of this section to support the efforts of the Republic of the Marshall Islands to attract foreign investment and increase indigenous business activity by vitalizing the commercial environment, ensuring fair and equitable application of the law, promoting adherence to core labor standards, maintaining progress toward privatization of state-owned and partially state-owned enterprises, and engaging in other reforms.

(4) CAPACITY BUILDING IN THE PUBLIC SECTOR.—United States grant assistance shall be made available in accordance with the strategic framework described in subsection (f) of this section to support the efforts of the Republic of the Marshall Islands to build effective, accountable and transparent national and local government and other public sector institutions and systems.

(5) ENVIRONMENT.—United States grant assistance shall be made available in accordance with the strategic framework described in subsection (f) of this section to increase environmental protection; establish and manage conservation areas; engage in environmental infrastructure planning, design construction and operation; and to involve the citizens of the Republic of the Marshall Islands in the process of conserving their country's natural resources.

(b) KWAJALEIN ATOLL.—

(1) Of the total grant assistance made available under subsection (a) of this section, the amount specified herein shall be allocated annually from fiscal year 2004 through fiscal year 2023 (and thereafter in accordance with the Agreement between the Government of the United States and the Government of the Republic of the Marshall Islands Regarding Military Use and Operating Rights) to advance the objectives and specific priorities set forth in subsections (a) and (d) of this section and the Fiscal Procedures Agreement, to address the special needs of the community at Ebeye, Kwajalein Atoll and other Marshallese communities within Kwajalein Atoll. This United States grant assistance shall be made available, in accordance with the medium-term budget and investment framework described in subsection (f) of this section, to support and improve the infrastructure and delivery of services and develop the human and material resources necessary for the Republic of the Marshall Islands to carry out its responsibility to maintain such infrastructure and deliver such services. The amount of this assistance shall be $3,100,000, with an inflation adjustment as provided in section 218, from fiscal year 2004 through fiscal year 2013 and the fiscal year 2013 level of funding, with an inflation adjustment as provided in section 218, will be increased by $2 million for fiscal year 2014. The fiscal year 2014 level of funding, with an inflation adjustment as provided in section 218, will be made available from fiscal year 2015 through fiscal year 2023 (and thereafter as noted above).

(2) The Government of the United States shall also provide to the Government of the Republic of the Marshall Islands, in conjunction with section 321(a) of this Compact, as amended, an annual payment from fiscal year 2004 through fiscal year 2023 (and thereafter in accordance with the Agreement between the Government of the United States and the Government of the Republic of the Marshall Islands Regarding Military Use and Operating Rights) of $1.9 million. This grant assistance will be subject to the Fiscal Procedures Agreement and will be adjusted for inflation under section 218 and used to address the special needs of the community at Ebeye, Kwajalein Atoll and other Marshallese communities within Kwajalein Atoll with emphasis on the Kwajalein landowners, as described in the Fiscal Procedures Agreement.

(3) Of the total grant assistance made available under subsection (a) of this section, and in conjunction with section 321(a) of the Compact, as amended, $200,000, with an inflation adjustment as provided in section 218, shall be allocated annually from fiscal year 2004 through fiscal year 2023 (and thereafter as provided in the Agreement between the Government of the United States and the Government of the Republic of the Marshall Islands Regarding Military Use and Operating Rights) for a grant to support increased participation of the Government of the Republic of the Marshall Islands Environmental Protection Authority in the annual U.S. Army Kwajalein Atoll Environmental Standards Survey and to promote a greater Government of the Republic of the Marshall Islands capacity for independent analysis of the Survey's findings and conclusions.

(c) HUMANITARIAN ASSISTANCE-REPUBLIC OF THE MARSHALL ISLANDS PROGRAM.—In recognition of the special development needs of the Republic of the Marshall Islands, the Government of the United States shall make available to the Government of the Republic of the Marshall Islands, on its request and to be deducted from the grant amount made available under subsection (a) of this section, a Humanitarian Assistance - Republic of the Marshall Islands (''HARMI'') Program with emphasis on health, education, and infrastructure (including transportation), projects and such other projects as mutually agreed. The terms and conditions of the HARMI shall be set forth in the Agreement Regarding the Military Use and Operating Rights of the Government of the United States in the Republic of the Marshall Islands Concluded Pursuant to Sections 321 and 323 of the Compact of Free Association, as Amended, which shall come into effect simultaneously with the amendments to this Compact.

(d) PUBLIC INFRASTRUCTURE.—

(1) Unless otherwise agreed, not less than 30 percent and not more than 50 percent of U.S. annual grant assistance provided under this section shall be made available in accordance with a list of specific projects included in the infrastructure improvement and maintenance plan prepared by the Government of the Republic of the Marshall Islands as part of the strategic framework described in subsection (f) of this section.

(2) INFRASTRUCTURE MAINTENANCE FUND.—Five percent of the annual public infrastructure grant made available under paragraph (1) of this subsection shall be set aside, with an equal contribution from the Government of the Republic of the Marshall Islands, as a contribution to an Infrastructure Maintenance Fund. Administration of the Infrastructure Maintenance Fund shall be governed by the Fiscal Procedures Agreement.

(e) DISASTER ASSISTANCE EMERGENCY FUND.—Of the total grant assistance made available under subsection (a) of this section, an amount of two hundred thousand dollars ($200,000) shall be provided annually, with an equal contribution from the Government of the Republic of the Marshall Islands, as a contribution to a Disaster Assistance Emergency Fund (''DAEF''). Any funds from the DAEF may be used only for assistance and rehabilitation resulting from disasters and emergencies. The funds will be accessed upon declaration of a State of Emergency by the Government of the Republic of the Marshall Islands, with the concurrence of the United States Chief of Mission to the Republic of the Marshall Islands. Administration of the DAEF shall be governed by the Fiscal Procedures Agreement.

(f) BUDGET AND INVESTMENT FRAMEWORK.—The Government of the Republic of the Marshall Islands shall prepare and maintain an official medium-term budget and investment framework. The framework shall be strategic in nature, shall be continuously reviewed and updated through the annual budget process, and shall make projections on a multi-year rolling basis. Each of the sectors and areas named in subsections (a), (b), and (d) of this section, or other sectors and areas as mutually agreed, shall be accorded specific treatment in the framework. Those portions of the framework that contemplate the use of United States grant funds shall require the concurrence of both the Government of the United States and the Government of the Republic of the Marshall Islands.

Section 212 - Kwajalein Impact and Use

The Government of the United States shall provide to the Government of the Republic of the Marshall Islands in conjunction with section 321(a) of the Compact, as amended, and the agreement between the Government of the United States and the Government of the Republic of the Marshall Islands regarding military use and operating rights, a payment in fiscal year 2004 of $15,000,000, with no adjustment for inflation. In fiscal year 2005 and through fiscal year 2013, the annual payment will be the fiscal year 2004 amount ($15,000,000) with an inflation adjustment as provided under section 218. In fiscal year 2014, the annual payment will be $18,000,000 (with no adjustment for inflation) or the fiscal year 2013 amount with an inflation adjustment under section 218, whichever is greater. For fiscal year 2015 through fiscal year 2023 (and thereafter in accordance with the Agreement between the Government of the United States and the Government of the Republic of the Marshall Islands Regarding Military Use and Operating Rights) the annual payment will be the fiscal year 2014 amount, with an inflation adjustment as provided under section 218.

Section 213 - Accountability

(a) Regulations and policies normally applicable to United States financial assistance to its state and local governments, as set forth in the Fiscal Procedures Agreement, shall apply to each grant described in section 211, and to grants administered under section 221 below, except as modified in the separate agreements referred to in section 231 of this Compact, as amended, or by U.S. law. As set forth in the Fiscal Procedures Agreement, reasonable terms and conditions, including annual performance indicators that are necessary to ensure effective use of United States assistance and reasonable progress toward achieving program objectives may be attached. In addition, the United States may seek appropriate remedies for noncompliance with the terms and conditions attached to the assistance, or for failure to comply with section 234, including withholding assistance.

(b) The Government of the United States shall, for each fiscal year of the twenty years during which assistance is to be provided on a sector grant basis under section 211 (a), grant the Government of the Republic of the

Marshall Islands an amount equal to the lesser of (i) one half of the reasonable, properly documented cost incurred during such fiscal year to conduct the annual audit required under Article VIII (2) of the Fiscal Procedures Agreement or (ii) $500,000. Such amount will not be adjusted for inflation under section 218 or otherwise.

Section 214 - Joint Economic Management and Financial Accountability Committee

The Governments of the United States and the Republic of the Marshall Islands shall establish a Joint Economic Management and Financial Accountability Committee, composed of a U.S. chair, two other members from the Government of the United States and two members from the Government of the Republic of the Marshall Islands. The Joint Economic Management and Financial Accountability Committee shall meet at least once each year to review the audits and reports required under this Title and the Fiscal Procedures Agreement, evaluate the progress made by the Republic of the Marshall Islands in meeting the objectives identified in its framework described in subsection (f) of section 211, with particular focus on those parts of the framework dealing with the sectors and areas identified in subsection (a) of section 211, identify problems encountered, and recommend ways to increase the effectiveness of U.S. assistance made available under this Title. The establishment and operations of the Joint Economic Management and Financial Accountability Committee shall be governed by the Fiscal Procedures Agreement.

Section 215 - Annual Report

The Government of the Republic of the Marshall Islands shall report annually to the President of the United States on the use of United States sector grant assistance and other assistance and progress in meeting mutually agreed program and economic goals. The Joint Economic Management and Financial Accountability Committee shall review and comment on the report and make appropriate recommendations based thereon.

Section 216 - Trust Fund

(a) The United States shall contribute annually for twenty years from the effective date of the Compact, as amended, in the amounts set forth in section 217 into a trust fund established in accordance with the Agreement Between the Government of the United States of America and the Government of the Republic of the Marshall Islands Implementing Section 216 and Section 217 of the Compact, as Amended, Regarding a Trust Fund (''Trust Fund Agreement''), which shall come into effect simultaneously with this Compact, as amended. Upon termination of the annual grant assistance under section 211 (a), (d) and (e), the earnings of the fund shall thereafter be used for the purposes described in section 211 or as otherwise mutually agreed.

(b) The United States contribution into the Trust Fund described in subsection (a) of this section is conditioned on the Government of the Republic of the Marshall Islands contributing to the Trust Fund at least $25,000,000, on the effective date of the Trust Fund Agreement or on October 1, 2003, whichever is later, $2,500,000 prior to October 1, 2004, and $2,500,000 prior to October 1, 2005. Any funds received by the Republic of the Marshall Islands under section 111(d) of Public Law 99–239 (January 14, 1986), or successor provisions, would be contributed to the Trust Fund as a Republic of the Marshall Islands' contribution.

(c) The terms regarding the investment and management of funds and use of the income of the Trust Fund shall be governed by the Trust Fund Agreement. Funds derived from United States investment shall not be subject to Federal or state taxes in the United States or any taxes in the Republic of the Marshall Islands. The Trust Fund Agreement shall also provide for annual reports to the Government of the United States and to the Government of the Republic of the Marshall Islands. The Trust Fund Agreement shall provide for appropriate distributions of trust fund proceeds to the Republic of the Marshall Islands and for appropriate remedies for the failure of the Republic of the Marshall Islands to use income of the Trust Fund for the annual grant purposes set forth in section 211. These remedies may include the return to the United States of the present market value of its contributions to the Trust Fund and the present market value of any undistributed income on the contributions of the United States. If this Compact, as amended, is terminated, the provisions of sections 451–453 of the Compact, as amended, and the Trust Fund Agreement shall govern treatment of any U.S. contributions to the Trust Fund or accrued income thereon.

Section 217 - Annual Grant Funding and Trust Fund Contributions

The funds described in sections 211, 212, 213(b), and 216 shall be made available as follows:

[In millions of dollars]

Fiscal year	Annual Grants Section 211	Audit Grant Section 213(b)	Trust Fund Section 216 (a&c)	Kwajalein Impact Section 212	Total
2004	35.2	.5	7	15.0	57.7
2005	34.7	.5	7.5	15.0	57.7
2006	34.2	.5	8	15.0	57.7
2007	33.7	.5	8.5	15.0	57.7
2008	33.2	.5	9	15.0	57.7
2009	32.7	.5	9.5	15.0	57.7
2010	32.2	.5	10	15.0	57.7
2011	31.7	.5	10.5	15.0	57.7
2012	31.2	.5	11	15.0	57.7
2013	30.7	.5	11.5	15.0	57.7
2014	32.2	.5	12	18.0	62.7
2015	31.7	.5	12.5	18.0	62.7
2016	31.2	.5	13	18.0	62.7
2017	30.7	.5	13.5	18.0	62.7
2018	30.2	.5	14	18.0	62.7
2019	29.7	.5	14.5	18.0	62.7
2020	29.2	.5	15	18.0	62.7
2021	28.7	.5	15.5	18.0	62.7
2022	28.2	.5	16	18.0	62.7
2023	27.7	.5	16.5	18.0	62.7

Section 218 - Inflation Adjustment

Except as otherwise provided, the amounts stated in this Title shall be adjusted for each United States Fiscal Year by the percent that equals two-thirds of the percent change in the United States Gross Domestic Product Implicit Price Deflator, or 5 percent, whichever is less in any one year, using the beginning of Fiscal Year 2004 as a base.

Section 219 - Carry-Over of Unused Funds

If in any year the funds made available by the Government of the United States for that year pursuant to this Article are not completely obligated by the Government of the Republic of the Marshall Islands, the unobligated balances shall remain available in addition to the funds to be provided in subsequent years.

Article II

Services and Program Assistance

Section 221

(a) SERVICES.—The Government of the United States shall make available to the Republic of the Marshall Islands, in accordance with and to the extent provided in the Federal Programs and Services Agreement referred to in Section 231, the services and related programs of:

(1) the United States Weather Service;

(2) the United States Postal Service;

(3) the United States Federal Aviation Administration;

(4) the United States Department of Transportation; and

(5) the Department of Homeland Security, and the United States Agency for International Development, Office of Foreign Disaster Assistance.

Upon the effective date of this Compact, as amended, the United States Departments and Agencies named or having responsibility to provide these services and related programs shall have the authority to implement the relevant provisions of the Federal Programs and Services Agreement referred to in section 231.

(b) PROGRAMS.—

(1) Other than the services and programs covered by subsection (a) of this section, and to the extent authorized by the Congress of the United States, the Government of the United States shall make available to the Republic of the Marshall Islands the services and programs that were available to the Republic of the Marshall Islands on the effective date of this Compact, as amended, to the extent that such services and programs continue to be available to State and local governments of the United States. As set forth in the Fiscal Procedures Agreement, funds provided under subsection (a) of section 211 shall be considered to be local revenues of

the Government of the Republic of the Marshall Islands when used as the local share required to obtain Federal programs and services.

(2) Unless provided otherwise by U.S. law, the services and programs described in paragraph (1) of this subsection shall be extended in accordance with the terms of the Federal Programs and Services Agreement.

(c) The Government of the United States shall have and exercise such authority as is necessary to carry out its responsibilities under this Title and the Federal Programs and Services Agreement, including the authority to monitor and administer all service and program assistance provided by the United States to the Republic of the Marshall Islands. The Federal Programs and Services Agreement shall also set forth the extent to which services and programs shall be provided to the Republic of the Marshall Islands.

(d) Except as provided elsewhere in this Compact, as amended, under any separate agreement entered into under this Compact, as amended, or otherwise under U.S. law, all Federal domestic programs extended to or operating in the Republic of the Marshall Islands shall be subject to all applicable criteria, standards, reporting requirements, auditing procedures, and other rules and regulations applicable to such programs and services when operating in the United States.

(e) The Government of the United States shall make available to the Republic of the Marshall Islands alternate energy development projects, studies, and conservation measures to the extent provided for the Freely Associated States in the laws of the United States.

Section 222

The Government of the United States and the Government of the Republic of the Marshall Islands may agree from time to time to extend to the Republic of the Marshall Islands additional United States grant assistance, services and programs, as provided under the laws of the United States. Unless inconsistent with such laws, or otherwise specifically precluded by the Government of the United States at the time such additional grant assistance, services, or programs are extended, the Federal Programs and Services Agreement shall apply to any such assistance, services or programs.

Section 223

The Government of the Republic of the Marshall Islands shall make available to the Government of the United States at no cost such land as may be necessary for the operations of the services and programs provided pursuant to this Article, and such facilities as are provided by the Government of the Republic of the Marshall Islands at no cost to the Government of the United States as of the effective date of this Compact, as amended, or as may be mutually agreed thereafter.

Section 224

The Government of the Republic of the Marshall Islands may request, from the time to time, technical assistance from the Federal agencies and institutions of the Government of the United States, which are authorized to grant such technical assistance in accordance with its laws. If technical assistance is granted pursuant to such a request, the Government of the United States shall provide the technical assistance in a manner which gives priority consideration to the Republic of the Marshall Islands over other recipients not a part of the United States, its territories or possessions, and equivalent consideration to the Republic of the Marshall Islands with respect to other states in Free Association with the United States. Such assistance shall be made available on a reimbursable or non-reimbursable basis to the extent provided by United States law.

Article III

Administrative Provisions

Section 231

The specific nature, extent and contractual arrangements of the services and programs provided for in section 221 of this Compact, as amended, as well as the legal status of agencies of the Government of the United States, their civilian employees and contractors, and the dependents of such personnel while present in the Republic of the Marshall Islands, and other arrangements in connection with the assistance, services, or programs furnished by the Government of the United States, are set forth in a Federal Programs and Services Agreement which shall come into effect simultaneously with this Compact, as amended.

Section 232

The Government of the United States, in consultation with the Government of the Republic of the Marshall Islands, shall determine and implement procedures for the periodic audit of all grants and other assistance made under Article I of this Title and of all funds expended for the services and programs provided under Article II of this Title. Further, in accordance with the Fiscal Procedures Agreement described in subsection (a) of section 211, the Comptroller General of the United States shall have such powers and authorities as described in sections 103(m) and 110(c) of Public Law 99–239, 99 Stat. 1777–78, and 99 Stat. 1799 (January 14, 1986).

Section 233

Approval of this Compact, as amended, by the Government of the United States, in accordance with its constitutional processes, shall constitute a pledge by the United States that the sums and amounts specified as grants in section 211 of this Compact, as amended, shall be appropriated and paid to the Republic of the Marshall Islands for such period as those provisions of this Compact, as amended, remain in force, provided that the Republic of the Marshall Islands complies with the terms and conditions of this Title and related subsidiary agreements.

Section 234

The Government of the Republic of the Marshall Islands pledges to cooperate with, permit, and assist if reasonably requested, designated and authorized representatives of the Government of the United States charged with investigating whether Compact funds, or any other assistance authorized under this Compact, as amended, have, or are being, used for purposes other than those set forth in this Compact, as amended, or its subsidiary agreements. In carrying out this investigative authority, such United States Government representatives may request that the Government of the Republic of the Marshall Islands subpoena documents and records and compel testimony in accordance with the laws and Constitution of the Republic of the Marshall Islands. Such assistance by the Government of the Republic of the Marshall Islands to the Government of the United States shall not be unreasonably withheld. The obligation of the Government of the Marshall Islands to fulfill its pledge herein is a condition to its receiving payment of such funds or other assistance authorized under this Compact, as amended. The Government of the United States shall pay any reasonable costs for extraordinary services executed by the Government of the Marshall Islands in carrying out the provisions of this section.

Article IV

Trade

Section 241

The Republic of the Marshall Islands is not included in the customs territory of the United States.

Section 242

The President shall proclaim the following tariff treatment for articles imported from the Republic of the Marshall Islands which shall apply during the period of effectiveness of this title:

(a) Unless otherwise excluded, articles imported from the Republic of the Marshall Islands, subject to the limitations imposed under section 503(b) of title V of the Trade Act of 1974 (19 U.S.C. 2463(b)), shall be exempt from duty.

(b) Only tuna in airtight containers provided for in heading 1604.14.22 of the Harmonized Tariff Schedule of the United States that is imported from the Republic of the Marshall Islands and the Federated States of Micronesia during any calendar year not to exceed 10 percent of apparent United States consumption of tuna in airtight containers during the immediately preceding calendar year, as reported by the National Marine Fisheries Service, shall be exempt from duty; but the quantity of tuna given duty-free treatment under this paragraph for any calendar year shall be counted against the aggregated quantity of tuna in airtight containers that is dutiable under rate column numbered 1 of such heading 1604.14.22 for that calendar year.

(c) The duty-free treatment provided under subsection (a) shall not apply to:

(1) watches, clocks, and timing apparatus provided for in Chapter 91, excluding heading 9113, of the Harmonized Tariff Schedule of the United States;

(2) buttons (whether finished or not finished) provided for in items 9606.21.40 and 9606.29.20 of such Schedule;

(3) textile and apparel articles which are subject to textile agreements; and

(4) footwear, handbags, luggage, flat goods, work gloves, and leather wearing apparel which were not eligible articles for purposes of title V of the Trade Act of 1974 (19 U.S.C. 2461, et seq.) on April 1, 1984.

(d) If the cost or value of materials produced in the customs territory of the United States is included with respect to an eligible article which is a product of the Republic of the Marshall Islands, an amount not to exceed 15 percent of the appraised value of the article at the time it is entered that is attributable to such United States cost or value may be applied for duty assessment purposes toward determining the percentage referred to in section 503(a)(2) of title V of the Trade Act of 1974.

Section 243

Articles imported from the Republic of the Marshall Islands which are not exempt from duty under subsections (a), (b), (c), and

(d) of section 242 shall be subject to the rates of duty set forth in column numbered 1-general of the Harmonized Tariff Schedule of the United States (HTSUS).

Section 244

(a) All products of the United States imported into the Republic of the Marshall Islands shall receive treatment no less favorable than that accorded like products of any foreign country with respect to customs duties or charges of a similar nature and with respect to laws and regulations relating to importation, exportation, taxation, sale, distribution, storage or use.

(b) The provisions of subsection (a) shall not apply to advantages accorded by the Republic of the Marshall Islands by virtue of their full membership in the Pacific Island Countries Trade Agreement (PICTA), done on August, 18, 2001, to those governments listed in Article 26 of PICTA, as of the date the Compact, as amended, is signed.

(c) Prior to entering into consultations on, or concluding, a free trade agreement with governments not listed in Article 26 of PICTA, the Republic of the Marshall Islands

shall consult with the United States regarding whether or how subsection (a) of section 244 shall be applied.

Article V

Finance and Taxation

Section 251

The currency of the United States is the official circulating legal tender of the Republic of the Marshall Islands. Should the Government of the Republic of the Marshall Islands act to institute another currency, the terms of an appropriate currency transitional period shall be as agreed with the Government of the United States.

Section 252

The Government of the Republic of the Marshall Islands may, with respect to United States persons, tax income derived from sources within its respective jurisdiction, property situated therein, including transfers of such property by gift or at death, and products consumed therein, in such manner as the Government of the Republic of the Marshall Islands deems appropriate. The determination of the source of any income, or the situs of any property, shall for purposes of this Compact, as amended, be made according to the United States Internal Revenue Code.

Section 253

A citizen of the Republic of the Marshall Islands, domiciled therein, shall be exempt from estate, gift, and generation-skipping transfer taxes imposed by the Government of the United States, provided that such citizen of the Republic of the Marshall Islands is neither a citizen nor a resident of the United States.

Section 254

(a) In determining any income tax imposed by the Government of the Republic of the Marshall Islands, the Government of the Republic of the Marshall Islands shall have authority to impose tax upon income derived by a resident of the Republic of the Marshall Islands from sources without the Republic of the Marshall Islands, in the same manner and to the same extent as the Government of the Republic of the Marshall Islands imposes tax upon income derived from within its own jurisdiction. If the Government of the Republic of the Marshall Islands exercises such authority as provided in this subsection, any individual resident of the Republic of the Marshall Islands who is subject to tax by the Government of the United States on income which is also taxed by the Government of the Republic of the Marshall Islands shall be relieved of liability to the Government of the United States for the tax which, but for this subsection, would otherwise be imposed by the Government of the United States on such income. However, the relief from liability to the United States Government referred to in the preceding sentence means only relief in the form of the foreign tax credit (or deduction in lieu thereof) available with respect to the income taxes of a possession of the United States, and relief in the form of the exclusion under section 911 of the Internal Revenue Code of 1986. For purposes of this section, the term ''resident of the Republic of the Marshall Islands'' shall be deemed to include any person who was physically present in the Republic of the Marshall Islands for a period of 183 or more days during any taxable year.

(b) If the Government of the Republic of the Marshall Islands subjects income to taxation substantially similar to that which was imposed by the Trust Territory Code in effect on January 1, 1980, such Government shall be deemed to have exercised the authority described in section 254(a).

Section 255

For purposes of section 274(h)(3)(A) of the U.S. Internal Revenue Code of 1986, the term ''North American Area'' shall include the Republic of the Marshall Islands.

TITLE THREE

SECURITY AND DEFENSE RELATIONS

Article I

Authority and Responsibility

Section 311

(a) The Government of the United States has full authority and responsibility for security and defense matters in or relating to the Republic of the Marshall Islands.

(b) This authority and responsibility includes:

(1) the obligation to defend the Republic of the Marshall Islands and its people from attack or threats thereof as the United States and its citizens are defended;

(2) the option to foreclose access to or use of the Republic of the Marshall Islands by military personnel or for the military purposes of any third country; and

(3) the option to establish and use military areas and facilities in the Republic of the Marshall Islands, subject to the terms of the separate agreements referred to in sections 321 and 323.

(c) The Government of the United States confirms that it shall act in accordance with the principles of international law and the Charter of the United Nations in the exercise of this authority and responsibility.

Section 312

Subject to the terms of any agreements negotiated in accordance with sections 321 and 323, the Government of the United States may conduct within the lands, waters and airspace of the Republic of the Marshall Islands the activities and operations necessary for the exercise of its authority and responsibility under this Title.

Section 313

(a) The Government of the Republic of the Marshall Islands shall refrain from actions that the Government of the United States determines, after appropriate consultation with that Government, to be incompatible with its authority and responsibility for security and defense matters in or relating to the Republic of the Marshall Islands.

(b) The consultations referred to in this section shall be conducted expeditiously at senior levels of the two Governments, and the subsequent determination by the Government of the United States referred to in this section shall be made only at senior interagency levels of the Government of the United States.

(c) The Government of the Republic of the Marshall Islands shall be afforded, on an expeditious basis, an opportunity to raise its concerns with the United States Secretary of State personally and the United States Secretary of Defense personally regarding any determination made in accordance with this section.

Section 314

(a) Unless otherwise agreed, the Government of the United States shall not, in the Republic of the Marshall Islands:

(1) test by detonation or dispose of any nuclear weapon, nor test, dispose of, or discharge any toxic chemical or biological weapon; or

(2) test, dispose of, or discharge any other radioactive, toxic chemical or biological materials in an amount or manner that would be hazardous to public health or safety.

(b) Unless otherwise agreed, other than for transit or overflight purposes or during time of a national emergency declared by the President of the United States, a state of war declared by the Congress of the United States or as necessary to defend against an actual or impending armed attack on the United States, the Republic of the Marshall Islands or the Federated States of Micronesia, the Government of the United States shall not store in the Republic of the Marshall Islands or the Federated States of Micronesia any toxic chemical weapon, nor any radioactive materials nor any toxic chemical materials intended for weapons use.

(c) Radioactive, toxic chemical, or biological materials not intended for weapons use shall not be affected by section 314(b).

(d) No material or substance referred to in this section shall be stored in the Republic of the Marshall Islands except in an amount and manner which would not be hazardous to public health or safety. In determining what shall be an amount or manner which would be hazardous to public health or safety under this section, the Government of the United States shall comply with any applicable mutual agreement, international guidelines accepted by the Government of the United States, and the laws of the United States and their implementing regulations.

(e) Any exercise of the exemption authority set forth in section 161(e) shall have no effect on the obligations of the Government of the United States under this section or on the application of this subsection.

(f) The provisions of this section shall apply in the areas in which the Government of the Republic of the Marshall Islands exercises jurisdiction over the living resources of the seabed, subsoil or water column adjacent to its coasts.

Section 315

The Government of the United States may invite members of the armed forces of other countries to use military areas and facilities in the Republic of the Marshall Islands, in conjunction with and under the control of United States Armed Forces. Use by units of the armed forces of other countries of such military areas and facilities, other than for transit and overflight purposes, shall be subject to consultation with and, in the case of major units, approval of the Government of the Republic of the Marshall Islands.

Section 316

The authority and responsibility of the Government of the United States under this Title may not be transferred or otherwise assigned.

Article II

Defense Facilities and Operating Rights

Section 321

(a) Specific arrangements for the establishment and use by the Government of the United States of military areas and facilities in the Republic of the Marshall Islands are set forth in separate agreements, which shall remain in effect in accordance with the terms of such agreements.

(b) If, in the exercise of its authority and responsibility under this Title, the Government of the United States requires the use of areas within the Republic of the Marshall Islands in addition to those for which specific arrangements are concluded pursuant to section 321(a), it may request the Government of the Republic of the Marshall Islands to satisfy those requirements through leases or other arrangements. The Government of the Republic of the Marshall Islands shall sympathetically consider any such request and shall establish suitable procedures to discuss it with and provide a prompt response to the Government of the United States.

(c) The Government of the United States recognizes and respects the scarcity and special importance of land in the Republic of the Marshall Islands. In making any requests pursuant to section 321(b), the Government of the United States shall follow the policy of requesting the minimum area necessary to accomplish the required security and defense purpose, of requesting only the minimum interest in real property necessary to support such purpose, and of requesting first to satisfy its requirement through public real

property, where available, rather than through private real property.

Section 322

The Government of the United States shall provide and maintain fixed and floating aids to navigation in the Republic of the Marshall Islands at least to the extent necessary for the exercise of its authority and responsibility under this Title.

Section 323

The military operating rights of the Government of the United States and the legal status and contractual arrangements of the United States Armed Forces, their members, and associated civilians, while present in the Republic of the Marshall Islands are set forth in separate agreements, which shall remain in effect in accordance with the terms of such agreements.

Article III

Defense Treaties and International Security Agreements

Section 331

Subject to the terms of this Compact, as amended, and its related agreements, the Government of the United States, exclusively, has assumed and enjoys, as to the Republic of the Marshall Islands, all obligations, responsibilities, rights and benefits of:

(a) Any defense treaty or other international security agreement applied by the Government of the United States as Administering Authority of the Trust Territory of the Pacific Islands as of October 20, 1986.

(b) Any defense treaty or other international security agreement to which the Government of the United States is or may become a party which it determines to be applicable in the Republic of the Marshall Islands. Such a determination by the Government of the United States shall be preceded by appropriate consultation with the Government of the Republic of the Marshall Islands.

Article IV

Service in Armed Forces of the United States

Section 341

Any person entitled to the privileges set forth in Section 141 (with the exception of any person described in section 141(a)(5) who is not a citizen of the Republic of the Marshall Islands) shall be eligible to volunteer for service in the Armed Forces of the United States, but shall not be subject to involuntary induction into military service of the United States as long as such person has resided in the United States for a period of less than one year, provided that no time shall count towards this one year while a person admitted to the United States under the Compact, or the Compact, as amended, is engaged in full-time study in the United States. Any person described in section 141(a)(5) who is not a citizen of the Republic of the Marshall Islands shall be subject to United States laws relating to selective service.

Section 342

The Government of the United States shall have enrolled, at any one time, at least one qualified student from the Republic of the Marshall Islands, as may be nominated by the Government of the Republic of the Marshall Islands, in each of:

(a) The United States Coast Guard Academy pursuant to 14 U.S.C. 195.

(b) The United States Merchant Marine Academy pursuant to 46 U.S.C. 1295(b)(6), provided that the provisions of 46 U.S.C. 1295b(b)(6)(C) shall not apply to the enrollment of students pursuant to section 342(b) of this Compact, as amended.

Article V

General Provisions

Section 351

(a) The Government of the United States and the Government of the Republic of the Marshall Islands shall continue to maintain a Joint Committee empowered to consider disputes arising under the implementation of this Title and its related agreements.

(b) The membership of the Joint Committee shall comprise selected senior officials of the two Governments. The senior United States military commander in the Pacific area shall be the senior United States member of the Joint Committee. For the meetings of the Joint Committee, each of the two Governments may designate additional or alternate representatives as appropriate for the subject matter under consideration.

(c) Unless otherwise mutually agreed, the Joint Committee shall meet annually at a time and place to be designated, after appropriate consultation, by the Government of the United States. The Joint Committee also shall meet promptly upon request of either of its members. The Joint Committee shall follow such procedures, including the establishment of functional subcommittees, as the members may from time to time agree. Upon notification by the Government of the United States, the Joint Committee of the United States and the Republic of the Marshall Islands shall meet promptly in a combined session with the Joint Committee established and maintained by the Government of the United States and the Government of the Federated States of Micronesia to consider matters within the jurisdiction of the two Joint Committees.

(d) Unresolved issues in the Joint Committee shall be referred to the Governments for resolution, and the Government of the Republic of the Marshall Islands shall be afforded, on an expeditious basis, an opportunity to raise its concerns with the United States Secretary of Defense personally regarding any unresolved issue which threatens its continued association with the Government of the United States.

Section 352

In the exercise of its authority and responsibility under Title Three, the Government of the United States shall accord due respect to the authority and responsibility of the Government of the Republic of the Marshall Islands under Titles One, Two and Four and to the responsibility of the Government of the Republic of the Marshall Islands to assure the well-being of its people.

Section 353

(a) The Government of the United States shall not include the Government of the Republic of the Marshall Islands as a named party to a formal declaration of war, without that Government's consent.

(b) Absent such consent, this Compact, as amended, is without prejudice, on the ground of belligerence or the existence of a state of war, to any claims for damages which are advanced by the citizens, nationals or Government of the Republic of the Marshall Islands, which arise out of armed conflict subsequent to October 21, 1986, and which are:

(5) petitions to the Government of the United States for redress; or

(6) claims in any manner against the government, citizens, nationals or entities of any third country.

(c) Petitions under section 353(b)(1) shall be treated as if they were made by citizens of the United States.

Section 354

(a) The Government of the United States and the Government of the Republic of the Marshall Islands are jointly committed to continue their security and defense relations, as set forth in this Title. Accordingly, it is the intention of the two countries that the provisions of this Title shall remain binding as long as this Compact, as amended, remains in effect, and thereafter as mutually agreed, unless earlier terminated by mutual agreement pursuant to section 441, or amended pursuant to Article III of Title Four. If at any time the Government of the United States, or the Government of the Republic of the Marshall Islands, acting unilaterally, terminates this Title, such unilateral termination shall be considered to be termination of the entire Compact, as amended, in which case the provisions of section 442 and 452 (in the case of termination by the Government of the United States) or sections 443 and 453 (in the case of termination by the Government of the Republic of the Marshall Islands), with the exception of paragraph (3) of subsection (a) of section 452 or paragraph (3) of subsection (a) of section 453, as the case may be, shall apply.

(b) The Government of the United States recognizes, in view of the special relationship between the Government of the United States and the Government of the Republic of the Marshall Islands, and in view of the existence of the separate agreement regarding mutual security concluded with the Government of the Republic of the Marshall Islands pursuant to sections 321 and 323, that, even if this Title should terminate, any attack on the Republic of the Marshall Islands during the period in which such separate agreement is in effect, would constitute a threat to the peace and security of the entire region and a danger to the United States. In the event of such an attack, the Government of the United States would take action to meet the danger to the United States and to the Republic of the Marshall Islands in accordance with its constitutional processes.

(c) As reflected in Article 21(1)(b) of the Trust Fund Agreement, the Government of the United States and the Government of the Republic of the Marshall Islands further recognize, in view of the special relationship between their countries, that even if this Title should terminate, the Government of Republic of the Marshall Islands shall refrain from actions which the Government of the United States determines, after appropriate consultation with that Government, to be incompatible with its authority and responsibility for security and defense matters in or relating to the Republic of the Marshall Islands or the Federated States of Micronesia.

TITLE FOUR

GENERAL PROVISIONS

Article I

Approval and Effective Date

Section 411

Pursuant to section 432 of the Compact and subject to subsection (e) of section 461 of the Compact, as amended, the Compact, as amended, shall come into effect upon mutual agreement between the Government of the United States and the Government of the Republic of the Marshall Islands subsequent to completion of the following:

(a) Approval by the Government of the Republic of the Marshall Islands in accordance with its constitutional processes.

(b) Approval by the Government of the United States in accordance with its constitutional processes.

Article II

Conference and Dispute Resolution

Section 421

The Government of the United States shall confer promptly at the request of the Government of the Republic of the Marshall Islands and that Government shall confer promptly at the request of the Government of the United States on matters relating to the provisions of this Compact, as amended, or of its related agreements.

Section 422

In the event the Government of the United States or the Government of the Republic of

the Marshall Islands, after conferring pursuant to section 421, determines that there is a dispute and gives written notice thereof, the two Governments shall make a good faith effort to resolve the dispute between themselves.

Section 423

If a dispute between the Government of the United States and the Government of the Republic of the Marshall Islands cannot be resolved within 90 days of written notification in the manner provided in section 422, either party to the dispute may refer it to arbitration in accordance with section 424.

Section 424

Should a dispute be referred to arbitration as provided for in section 423, an Arbitration Board shall be established for the purpose of hearing the dispute and rendering a decision which shall be binding upon the two parties to the dispute unless the two parties mutually agree that the decision shall be advisory. Arbitration shall occur according to the following terms:

(a) An Arbitration Board shall consist of a Chairman and two other members, each of whom shall be a citizen of a party to the dispute. Each of the two Governments that is a party to the dispute shall appoint one member to the Arbitration Board. If either party to the dispute does not fulfill the appointment requirements of this section within 30 days of referral of the dispute to arbitration pursuant to section 423, its member on the Arbitration Board shall be selected from its own standing list by the other party to the dispute. Each Government shall maintain a standing list of 10 candidates. The parties to the dispute shall jointly appoint a Chairman within 15 days after selection of the other members of the Arbitration Board. Failing agreement on a Chairman, the Chairman shall be chosen by lot from the standing lists of the parties to the dispute within 5 days after such failure.

(b) Unless otherwise provided in this Compact, as amended, or its related agreements, the Arbitration Board shall have jurisdiction to hear and render its final determination on all disputes arising exclusively under Articles I, II, III, IV and V of Title One, Title Two, Title Four, and their related agreements.

(c) Each member of the Arbitration Board shall have one vote. Each decision of the Arbitration Board shall be reached by majority vote.

(d) In determining any legal issue, the Arbitration Board may have reference to international law and, in such reference, shall apply as guidelines the provisions set forth in Article 38 of the Statute of the International Court of Justice.

(e) The Arbitration Board shall adopt such rules for its proceedings as it may deem appropriate and necessary, but such rules shall not contravene the provisions of this Compact, as amended. Unless the parties provide otherwise by mutual agreement, the Arbitration Board shall endeavor to render its decision within 30 days after the conclusion of arguments. The Arbitration Board shall make findings of fact and conclusions of law and its members may issue dissenting or individual opinions. Except as may be otherwise decided by the Arbitration Board, one-half of all costs of the arbitration shall be borne by the Government of the United States and the remainder shall be borne by the Government of the Republic of the Marshall Islands.

Article III

Amendment

Section 431

The provisions of this Compact, as amended, may be further amended by mutual agreement of the Government of the United States and the Government of the Republic of the Marshall Islands, in accordance with their respective constitutional processes.

Article IV

Termination

Section 441

This Compact, as amended, may be terminated by mutual agreement of the Government of the Republic of the Marshall Islands and the Government of the United States, in accordance with their respective constitutional processes. Such mutual termination of this Compact, as amended, shall be without prejudice to the continued application of section 451 of this Compact, as amended, and the provisions of the Compact, as amended, set forth therein.

Section 442

Subject to section 452, this Compact, as amended, may be terminated by the Government of the United States in accordance with its constitutional processes. Such termination shall be effective on the date specified in the notice of termination by the Government of the United States but not earlier than six months following delivery of such notice. The time specified in the notice of termination may be extended. Such termination of this Compact, as amended, shall be without prejudice to the continued application of section 452 of this Compact, as amended, and the provisions of the Compact, as amended, set forth therein.

Section 443

This Compact, as amended, shall be terminated by the Government of the Republic of the Marshall Islands, pursuant to its constitutional processes, subject to section 453 if the people represented by that Government vote in a plebiscite to terminate the Compact. The Government of the Republic of the Marshall Islands shall notify the Government of the United States of its intention to call such a plebiscite, which shall take place not earlier than three months after delivery of such notice. The plebiscite shall be administered by the Government of the Republic of the Marshall Islands in accordance with its constitutional and legislative processes, but the Government of the United States may send its own observers and invite observers from a mutually agreed party. If a majority of the valid ballots cast in the plebiscite favors termination, the Government of the Republic of the Marshall Islands shall, upon certification of the results of the plebiscite, give notice of termination to the Government of the United States, such termination to be effective on the date specified in such notice but not earlier than three months following the date of delivery of such notice. The time specified in the notice of termination may be extended.

Article V

Survivability

Section 451

(a) Should termination occur pursuant to section 441, economic and other assistance by the Government of the United States shall continue only if and as mutually agreed by the Governments of the United States and the Republic of the Marshall Islands, and in accordance with the countries' respective constitutional processes.

(b) In view of the special relationship of the United States and the Republic of the Marshall Islands, as reflected in subsections (b) and (c) of section 354 of this Compact, as amended, and the separate agreement entered into consistent with those subsections, if termination occurs pursuant to section 441 prior to the twentieth anniversary of the effective date of this Compact, as amended, the United States shall continue to make contributions to the Trust Fund described in section 216 of this Compact, as amended.

(c) In view of the special relationship of the United States and the Republic of the Marshall Islands described in subsection (b) of this section, if termination occurs pursuant to section 441 following the twentieth anniversary of the effective date of this Compact, as amended, the Republic of the Marshall Islands shall be entitled to receive proceeds from the Trust Fund described in section 216 of this Compact, as amended, in the manner described in those provisions and the Trust Fund Agreement.

Section 452

(a) Should termination occur pursuant to section 442 prior to the twentieth anniversary of the effective date of this Compact, as amended, the following provisions of this amended Compact shall remain in full force and effect until the twentieth anniversary of the effective date of this Compact, as amended, and thereafter as mutually agreed:

(1) Article VI and sections 172, 173, 176 and 177 of Title One;

(2) Article One and sections 232 and 234 of Title Two;

(3) Title Three; and

(4) Articles II, III, V and VI of Title Four.

(b) Should termination occur pursuant to section 442 before the twentieth anniversary of the effective date of this Compact, as amended:

(1) Except as provided in paragraph (2) of this subsection and subsection (c) of this section, economic and other assistance by the United States shall continue only if and as mutually agreed by the Governments of the United States and the Republic of the Marshall Islands.

(2) In view of the special relationship of the United States and the Republic of the Marshall Islands, as reflected in subsections (b) and (c) of section 354 of this Compact, as amended, and the separate agreement regarding mutual security, and the Trust Fund Agreement, the United States shall continue to make contributions to the Trust Fund described in section 216 of this Compact, as amended, in the manner described in the Trust Fund Agreement.

(c) In view of the special relationship of the United States and the Republic of the Marshall Islands, as reflected in subsections 354(b) and (c) of this Compact, as amended, and the separate agreement regarding mutual security, and the Trust Fund Agreement, if termination occurs pursuant to section 442 following the twentieth anniversary of the effective date of this Compact, as amended, the Republic of the Marshall Islands shall continue to be eligible to receive proceeds from the Trust Fund described in section 216 of this Compact, as amended, in the manner described in those provisions and the Trust Fund Agreement.

Section 453

(a) Should termination occur pursuant to section 443 prior to the twentieth anniversary of the effective date of this Compact, as amended, the following provisions of this Compact, as amended, shall remain in full force and effect until the twentieth anniversary of the effective date of this Compact, as amended, and thereafter as mutually agreed:

(1) Article VI and sections 172, 173, 176 and 177 of Title One;

(2) Sections 232 and 234 of Title Two;

(3) Title Three; and

(4) Articles II, III, V and VI of Title Four.

(b) Upon receipt of notice of termination pursuant to section 443, the Government of the United States and the Government of the Republic of the Marshall Islands shall promptly consult with regard to their future relationship. Except as provided in subsections (c) and (d) of this section, these consultations shall determine the level of economic and other assistance, if any, which the Government of the United States shall provide to the Government of the Republic of

the Marshall Islands for the period ending on the twentieth anniversary of the effective date of this Compact, as amended, and for any period thereafter, if mutually agreed.

(c) In view of the special relationship of the United States and the Republic of the Marshall Islands, as reflected in subsections 354(b) and (c) of this Compact, as amended, and the separate agreement regarding mutual security, and the Trust Fund Agreement, if termination occurs pursuant to section 443 prior to the twentieth anniversary of the effective date of this Compact, as amended, the United States shall continue to make contributions to the Trust Fund described in section 216 of this Compact, as amended.

(d) In view of the special relationship of the United States and the Republic of the Marshall Islands, as reflected in subsections 354(b) and (c) of this Compact, as amended, and the separate agreement regarding mutual security, and the Trust Fund Agreement, if termination occurs pursuant to section 443 following the twentieth anniversary of the effective date of this Compact, as amended, the Republic of the Marshall Islands shall continue to be eligible to receive proceeds from the Trust Fund described in section 216 of this Compact, as amended, in the manner described in those provisions and the Trust Fund Agreement.

Section 454

Notwithstanding any other provision of this Compact, as amended:

(a) The Government of the United States reaffirms its continuing interest in promoting the economic advancement and budgetary self-reliance of the people of the Republic of the Marshall Islands.

(b) The separate agreements referred to in Article II of Title Three shall remain in effect in accordance with their terms.

Article VI

Definition of Terms

Section 461

For the purpose of this Compact, as amended, only, and without prejudice to the views of the Government of the United States or the Government of the Republic of the Marshall Islands as to the nature and extent of the jurisdiction of either of them under international law, the following terms shall have the following meanings:

(a) ''Trust Territory of the Pacific Islands'' means the area established in the Trusteeship Agreement consisting of the former administrative districts of Kosrae, Yap, Ponape, the Marshall Islands and Truk as described in Title One, Trust Territory Code, section 1, in force on January 1, 1979. This term does not include the area of Palau or the Northern Mariana Islands.

(b) ''Trusteeship Agreement'' means the agreement setting forth the terms of trusteeship for the Trust Territory of the Pacific Islands, approved by the Security Council of the United Nations April 2, 1947, and by the United States July 18, 1947, entered into force July 18, 1947, 61 Stat. 3301, T.I.A.S. 1665, 8 U.N.T.S. 189.

(c) ''The Republic of the Marshall Islands'' and ''the Federated States of Micronesia'' are used in a geographic sense and include the land and water areas to the outer limits of the territorial sea and the air space above such areas as now or hereafter recognized by the Government of the United States.

(d) ''Compact'' means the Compact of Free Association Between the United States and the Federated States of Micronesia and the Marshall Islands, that was approved by the United States Congress in section 201 of Public Law 99–239 (Jan. 14, 1986) and went into effect with respect to the Republic of the Marshall Islands on October 21, 1986.

(e) ''Compact, as amended'' means the Compact of Free Association Between the United States and the Republic of the Marshall Islands, as amended. The effective date of the Compact, as amended, shall be on a date to be determined by the President of the United States, and agreed to by the Government of the Republic of the Marshall Islands, following formal approval of the Compact, as amended, in accordance with section 411 of this Compact, as amended.

(f) ''Government of the Republic of the Marshall Islands'' means the Government established and organized by the Constitution of the Republic of the Marshall Islands including all the political subdivisions and entities comprising that Government.

(g) ''Government of the Federated States of Micronesia'' means the Government established and organized by the Constitution of the Federated States of Micronesia including all the political subdivisions and entities comprising that Government.

(h) The following terms shall be defined consistent with the 1978 Edition of the Radio Regulations of the International Telecommunications as follows:

(1) ''Radiocommunication'' means telecommunication by means of radio waves.

(2) ''Station'' means one or more transmitters or receivers or a combination of transmitters and receivers, including the accessory equipment, necessary at one location for carrying on a radiocommunication service, or the radio astronomy service.

(3) ''Broadcasting Service'' means a radiocommunication service in which the transmissions are intended for direct reception by the general public. This service may include sound transmissions, television transmissions or other types of transmission.

(4) ''Broadcasting Station'' means a station in the broadcasting service.

(5) ''Assignment (of a radio frequency or radio frequency channel)'' means an authorization given by an administration for a radio station to use a radio frequency or radio frequency channel under specified conditions.

(6) ''Telecommunication'' means any transmission, emission or reception of signs, signals, writings, images and sounds or intelligence of any nature by wire, radio, optical or other electromagnetic systems.

(i) ''Military Areas and Facilities'' means those areas and facilities in the Republic of the Marshall Islands reserved or acquired by the Government of the Republic of the Marshall Islands for use by the Government of the United States, as set forth in the separate agreements referred to in section 321.

(j) ''Tariff Schedules of the United States'' means the Tariff Schedules of the United States as amended from time to time and as promulgated pursuant to United States law and includes the Tariff Schedules of the United States Annotated (TSUSA), as amended.

(k) ''Vienna Convention on Diplomatic Relations'' means the Vienna Convention on Diplomatic Relations, done April 18, 1961, 23 U.S.T. 3227, T.I.A.S. 7502, 500 U.N.T.S. 95.

Section 462

(a) The Government of the United States and the Government of the Republic of the Marshall Islands previously have concluded agreements, which shall remain in effect and shall survive in accordance with their terms, as follows:

(1) Agreement Between the Government of the United States and the Government of the Marshall Islands for the Implementation of Section 177 of the Compact of Free Association;

(2) Agreement Between the Government of the United States and the Government of the Marshall Islands by Persons Displaced as a Result of the United States Nuclear Testing Program in the Marshall Islands;

(3) Agreement Between the Government of the United States and the Government of the Marshall Islands Regarding the Resettlement of Enjebi Island;

(4) Agreement Concluded Pursuant to Section 234 of the Compact; and

(5) Agreement Between the Government of the United States and the Government of the Marshall Islands Regarding Mutual Security Concluded Pursuant to Sections 321 and 323 of the Compact of Free Association.

(b) The Government of the United States and the Government of the Republic of the Marshall Islands shall conclude prior to the date of submission of this Compact to the legislatures of the two countries, the following related agreements which shall come into effect on the effective date of this Compact, as amended, and shall survive in accordance with their terms, as follows:

(1) Federal Programs and Services Agreement Between the Government of the United States of America and the Government of the Republic of the Marshall Islands Concluded Pursuant to Article III of Title One, Article II of Title Two (including Section 222), and Section 231 of the Compact of Free Association, as Amended, which include:

(i) Postal Services and Related Programs;

(ii) Weather Services and Related Programs;

(iii) Civil Aviation Safety Service and Related Programs;

(iv) Civil Aviation Economic Services and Related Programs;

(v) United States Disaster Preparedness and Response Services and Related Programs; and

(vi) Telecommunications Services and Related Programs.

(2) Agreement Between the Government of the United States of America and the Government of the Republic of the Marshall Islands on Extradition, Mutual Assistance in Law Enforcement Matters and Penal Sanctions Concluded Pursuant to Section 175 (a) of the Compact of Free Association, as Amended;

(3) Agreement Between the Government of the United States of America and the Government of the Republic of the Marshall Islands on Labor Recruitment Concluded Pursuant to Section 175 (b) of the Compact of Free Association, as Amended;

(4) Agreement Concerning Procedures for the Implementation of United States Economic Assistance Provided in the Compact, as Amended, of Free Association Between the Government of the United States of America and the Government of the Republic of the Marshall Islands;

(5) Agreement Between the Government of the United States of America and the Government of the Republic of the Marshall Islands Implementing Section 216 and Section 217 of the Compact, as Amended, Regarding a Trust Fund;

(6) Agreement Regarding the Military Use and Operating Rights of the Government of the United States in the Republic of the Marshall Islands Concluded Pursuant to Sections 321 and 323 of the Compact of Free Association, as Amended; and,

(7) Status of Forces Agreement Between the Government of the United States of America and the Government of the Republic of the Marshall Islands Concluded Pursuant to Section 323 of the Compact of Free Association, as Amended.

Section 463

(a) Except as set forth in subsection (b) of this section, any reference in this Compact, as amended, to a provision of the United States Code or the Statutes at Large of the United States constitutes the incorporation of the language of such provision into this Compact, as amended, as such provision was

in force on the effective date of this Compact, as amended.

(b) Any reference in Article IV and VI of Title One, and Sections 174, 175, 178 and 342 to a provision of the United States Code or the Statutes at Large of the United States or to the Privacy Act, the Freedom of Information Act, the Administrative Procedure Act or the Immigration and Nationality Act constitutes the incorporation of the language of such provision into this Compact, as amended, as such provision was in force on the effective date of this Compact, as amended, or as it may be amended thereafter on a nondiscriminatory basis according to the constitutional processes of the United States.

Article VII

Concluding Provisions

Section 471

Both the Government of the United States and the Government of the Republic of the Marshall Islands shall take all necessary steps, of a general or particular character, to ensure, no later than the entry into force date of this Compact, as amended, the conformity of its laws, regulations and administrative procedures with the provisions of this Compact, as amended, or, in the case of subsection (d) of section 141, as soon as reasonably possible thereafter.

Section 472

This Compact, as amended, may be accepted, by signature or otherwise, by the Government of the United States and the Government of the Republic of the Marshall Islands.

IN WITNESS WHEREOF, the undersigned, duly authorized, have signed this Compact of Free Association, as amended, which shall enter into force upon the exchange of diplomatic notes by which the Government of the United States of America and the Government of the Republic of the Marshall Islands inform each other about the fulfillment of their respective requirements for entry into force.

DONE at Majuro, Republic of the Marshall Islands, in duplicate, this thirtieth (30) day of April, 2003, each text being equally authentic.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Iowa (Mr. LEACH) and the gentleman from American Samoa (Mr. FALEOMAVAEGA) each will control 20 minutes.

The Chair recognizes the gentleman from Iowa (Mr. LEACH).

GENERAL LEAVE

Mr. LEACH. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on this joint resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Iowa?

There was no objection.

Mr. LEACH. Madam Speaker, I yield myself such time as I may consume.

I rise today to present to the House joint resolution 63, legislation that reauthorizes the Compacts of Free Association with the Federated States of Micronesia and the Republic of the Marshall Islands.

Because of the unique relationship between the United States and the Freely Associated States, the legislation before us today involves an extraordinary array of Federal programs, agencies, and policies.

□ 1700

As a consequence, this joint resolution is the product of intensive bipartisan consultations between a panoply of different committees of jurisdictions, all of which have contributed to making this a compelling legislative product.

In this regard, I would like to thank, in particular, the leadership of the chairman of the Committee on International Relations, the gentleman from Illinois (Mr. HYDE) and our ranking member, the gentleman from California (Mr. LANTOS), as well as the distinguished ranking member of the Committee on International Relations Subcommittee on Asia and the Pacific, the gentleman from American Samoa (Mr. FALEOMAVAEGA) whose expertise in island affairs has been invaluable to this Member and to our entire committee.

Let me also acknowledge the exceptional leadership of the Committee on Resources, specifically the chairman, the gentleman from California (Mr. POMBO) and the ranking member, the gentleman from West Virginia (Mr. RAHALL) and their staff for working so closely with us to ensure that the amended compacts would not only be considered on an expeditious basis, but enjoy the support of Members as well as the administration and the Freely Associated States.

We also are appreciative of the prompt consideration of this bill by the Committee on the Judiciary, as well as the input of the Committee on Ways and Means.

In addition, we are most appreciative of the cooperation of the Committee on Education and the Workforce, as well as the Committee on Appropriations working closely with us on education funding issues of keen interest and concern to many Members as well as the people of the FSM and RMI.

Madam Speaker, here I note that under general leave, the gentleman from Illinois (Mr. HYDE) intends to insert into the record a letter to the Committee on International Relations from the Subcommittee on Appropriations for Labor, Health, and Human Services regarding funding for certain supplemental education programs as well as an exchange of letters confirming certain understandings on this joint resolution with the Committee on Ways and Means.

Madam Chairman, as my colleagues may be aware, the economic assistance provisions of the current Compact with Micronesia and the Marshall Islands expired in 2001, but were extended for 2 years while the United States renegotiated the expiring provisions with these island countries, also known as the Freely Associated States.

H.J. Res. 63, which is before us, is the authorizing and implementing legislation for the Amended Compacts of Free Association. Unless this resolution becomes law, critical portions of the original Compact of Free Association will expire with serious consequences for those nations and for United States' interests in the Pacific.

By background, the United States has shared a uniquely close and mutually beneficial relationship with the people of the Marshall Islands, as well as Micronesia, for the past half-century. For nearly 40 years after the Second World War, the United States administered both islands as United Nations Trust Territories. In 1986, Micronesia and the Marshall Islands chose to become sovereign states and entered into a Compact of Free Association with the United States. The Compact was intended to ensure self-government for the new island nations, to assist them in their economic development towards self-sufficiency, and to advance mutual security objectives.

It is my strong view that the interests of the people of the U.S. and these specific islands have been well-served by the Compact. Our former Trust Territories have emerged as sovereign democracies; America's strategic interest in the Western Pacific has been protected; and the bonds of friendship forged during World War II have only strengthened with the passage of time. Indeed, a significant number of Compact citizens have served honorably in the United States Armed Forces, including in the war on Iraq.

Among other things H.J. Res. 63: one, secures expiring U.S. defense interests and extends U.S. access to the geographically unique Kwajalein Atoll Range, the key U.S. missile and missile defense testing site for up to an additional 70 years; two, it continues U.S. assistance to the FSM and RMI for 20 years, but fundamentally restructures the way it is provided to increase fiscal accountability and move it towards budgetary self-sufficiency; three, it prepares for the end of U.S. grant assistance in 2023 by capitalizing a U.S.-controlled trust fund for each nation; and, four, it modifies the unique U.S. immigration status enjoyed by FSM and RMI citizens, to address concerns primarily related to the United States homeland security.

With respect to FEMA, the bill before us provides Compact countries continued access to FEMA programs through 2013, including essential public infrastructure rehabilitation programs. The Office of Foreign Disaster Assistance, which is part of U.S. Agency for International Development, is also authorized to provide emergency assistance to the FAS.

In an agreement reached with the Committee on Education and the Workforce H.J. Res. 63 would continue student eligibility under the Pell Grant program of the Higher Education Act, continue institution eligibility for certain competitive grant programs administered by the Secretary of Education, and create a new discretionary grant program for education in lieu of receipt of several current discretionary domestic education programs.

This amount of roughly $20 million annually is in addition to the grant assistance otherwise provided through

the Compact and would replace current Federal programs such as Head Start, Special Education, and others.

Finally, let me just conclude by thanking Jamie McCormick and Douglas Anderson, counsels to the Subcommittee on Asia and Pacific for their exceptional assistance to me and the committee in helping to shepherd this complex measure through the legislative process.

Again, before yielding to my distinguished friend, the gentleman from American Samoa (Mr. FALEOMAVAEGA), let me stress to the House what an honor it has been to serve with him and what a great addition his judgment has made to the committee and to the Congress on this particular issue, as well as so many others.

Madam Speaker, I reserve the balance of my time.

Mr. FALEOMAVAEGA. Madam Speaker, I yield myself such time as I may consume.

(Mr. FALEOMAVAEGA asked and was given permission to revise and extend his remarks.)

Mr. FALEOMAVAEGA. Madam Speaker, I would like to extend my gratitude to the chairman of the Committee on International Relations, the gentleman from Illinois (Mr. HYDE), and the senior ranking member of the Committee on International Relations, the gentleman from California (Mr. LANTOS), my good friend, the chairman of the Committee on Resources, the gentleman from California (Mr. POMBO), and our senior ranking member of the Committee on Resources, the gentleman from West Virginia (Mr. RAHALL), and the chairman of Committee on International Relations Subcommittee on Asia and the Pacific, the gentleman from Iowa (Mr. LEACH), my good friend, for working so diligently these past several months to address some of the very important concerns raised by the leaders of the Republic of the Marshall Islands and the Federated States of Micronesia as it relates to the proposed Compact of Free Association or H.J. Res. 63.

Madam Speaker, the Compacts of Free Association commenced in 1986 between the Federated States of Micronesia and the Republic of the Marshall Islands and the United States. In brief, the United States agrees to provide Federal funding to the FSM and the RMI and, in turn, both agree to provide the United States with certain defense rights, now including use of 11 defense sites on Kwajalein Atoll, where the U.S. Department of Defense has established a multibillion dollar antiballistic missile testing facility.

In October 2001, portions of the Compact expired and representatives from the FSM, the RMI, and the Department of the Interior began negotiating an extension of these provisions, including also the Department of State. Earlier this year, the Department of the Interior sent Congress a negotiated product to be considered as a reauthorization of the Compact of Free Association. However, key provisions, including the funding of the Pell Grants and FEMA assistance, were excluded from the agreement. And over the last several months, my colleagues and I have been working closely with representatives from both the FSM and RMI to address these concerns.

Madam Speaker, the good people of the Federated States of Micronesia and the Republic of the Marshall Islands are in need of, and indeed deserve, U.S. support in assistance in building local capacity. As my colleagues know, education is invaluable to building self-sufficiency and local capacity, and, ultimately, will contribute to bolstering the economy of these developing nations. This is why I am pleased that the bill before us today now provides the Freely Associated States with Pell Grant assistance, hopefully, and also to recognize the importance of FEMA assistance to these islands.

The truth is, Madam Speaker, the Freely Associated States have made many sacrifices and contributions on behalf of the United States. In fact, the U.S. used the Marshall Islands as a nuclear testing ground and detonated more than 67 nuclear bombs, including the first hydrogen bomb which was one thousand times more powerful than the bombs dropped in Hiroshima and Nagasaki during World War II. The results were, and continue to be, devastating to the residents of the Marshall Islands.

As a Pacific Islander, I am pleased that H.J. Res. 63 acknowledges the contributions and sacrifices made by the Federated Associated States and also addresses the needs and concerns of the people of Federated States of Micronesia and the Republic of the Marshall Islands. I am also pleased that my colleagues have worked closely with me to make sure that American Samoa's tuna industry was protected in the process of these negotiations.

The outcome of H.J. Res. 63 will determine our relationship with the FSM and RMI for the next 20 years and will also affect American Samoa's tuna industry for generations to come.

With the approval of these Compacts, the United States will further solidify our relationship with these Western Pacific nations, both of which are close allies, and make an ongoing contribution to America's national defense.

To understand the importance of renewing the Compacts we must remember our Nation's history in the region. During World War II, American soldiers liberated the Pacific island by island in brutal and bloody battles. After the war, the United States administered Micronesia, and we have maintained a vitally important military installation on Kwajalein Atoll.

In the 1940s and 1950s, the United States conducted both underwater and atmospheric nuclear tests in the Marshalls. And as I indicated earlier, some 67 nuclear detonations were held during that period. I remember distinctly, in 1954, when we detonated the first hydrogen bomb, I indicated earlier that that nuclear detonation was a thousand times more powerful than the nuclear bombs that we dropped in Hiroshima and Nagasaki.

One of the serious issues that we still have not properly addressed, and, hopefully, in the coming months, that we will address seriously, the needs of some several hundred Marshallese men, women, and children who were directly exposed to nuclear contamination at the time of detonation of this hydrogen bomb in the 1950s.

Madam Speaker, since the independence of the Marshalls and Micronesia in 1986, the ties between our nations have grown even stronger. When Congress approved the Compact of Free Association in 1986, we received a good bargain. Funds would flow to the island nations in return for a ''strategic denial'' and a ''defense veto.'' The Kwajalein Army Base is vitally important to America's missile tests and as a listening post to the world.

Hundreds of Marshallese and Micronesians are currently defending American interests even in Iraq. I believe approximately 1,000 of our fellow Micronesians are in the military. Several have sacrificed their lives in the war in Iraq, even at this point in time as I speak. Just the other day Mr. Hilario Bermanis, a Micronesian, became an American citizen after losing a left arm and both legs while serving in the Army in Iraq.

While we undoubtedly furthered our national security interests with approval of the Compact, the United States insufficiently monitored expenditure of funds and did little to promote economic development in the islands.

The Compacts before the House today ensure that funds will be better spent in the future, will promote sound economic development and will focus on education and health care. They also establish trust funds for both nations to ensure that they can become self-sufficient in 20 years.

Madam Speaker, H.J. Res. 63 promotes our Nation's national security interests and furthers our relationship with the Marshalls and Micronesia. This is a bipartisan effort. And, again, I extend my gratitude and appreciation to the gentleman from Iowa (Mr. LEACH), my good friend, for his tremendous support and leadership in bringing this piece of legislation to the floor.

Madam Speaker, I yield such time she might consume to the gentlewoman from Guam (Ms. BORDALLO), my good friend.

(Ms. BORDALLO asked and was given permission to revise and extend her remarks.)

Ms. BORDALLO. Madam Speaker, 56 years ago the United States assumed an international obligation to protect and promote the development of two island groups that straddle much of the vast Pacific Ocean: The Federated States of Micronesia and the Republic of the Marshall Islands.

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As strategic battle grounds in World War II, these islands were liberated from enemy occupation by U.S. forces. In the aftermath of that pivotal period in world history, they emerged from a League of Nations mandate administered by Japan to become a United Nations' Trust Territory with the United States as trustee. Over the next 40 years their socio-economic status improved and their developing economies would begin to take root.

Then, in 1986, Congress passed, and President Reagan signed, a Compact of Free Association with them. The compact allowed for a new relationship to be cultivated, and it afforded the FSM and the RMI the ability to become sovereign nation states in their own right. In the years since, they have been welcome to the international table in their own name and their alliance with the United States today could not be stronger.

While other nations who receive foreign aid consistently oppose us in the United Nations, the FSM and the RMI have been among our most steadfast of allies. Seventeen years after the original agreement, we are here today, Madam Speaker, to renew the compact. It is in the spirit of friendship that we renew an agreement that seeks to honor and build upon the benefits our respective countries have derived from the original compact.

So I rise today to support H.J. Res. 63 for four principal reasons: first, because it advances U.S. defense interests by providing a 50-year lease extension for U.S. access to Kwajalein Atoll in the RMI, home of the Ronald Reagan Missile Testing Facility and grants the U.S. the right of strategic denial.

Second, because it reaffirms the right of FSM and RMI citizens to migrate freely to the United States for work, education, and residence and improves the means by which the Federal Government addresses the impact of migration in affected U.S. jurisdictions, including Guam, the Commonwealth of the Northern Mariana Islands, and the State of Hawaii.

Third, because it continues for the next 20 years critical financial assistance to facilitate capacity-building and self-sufficiency in the FSM and the RMI while ensuring greater accountability oversight and effectiveness, as well as it be continuous Pell grant eligibility.

Finally, and most importantly, because it fulfills our moral obligation to the people of Micronesia and the Marshalls.

Guam is the closest American neighbor to the FSM and RMI, and we have seen the progress that they have made under the original compact. Guam has welcomed and embraced those FSM and RMI citizens who have availed themselves of their compact-provided right to migrate freely to the United States for the pursuit out of educational and other opportunities. This migration has come at a financial cost to the Government of Guam. As in many cases, migrating FSM and RMI citizens do not directly contribute to the local revenue base that sustains the education, the health, housing and other social services which they have sought.

Guam has been impacted significantly more than any other jurisdictions by this federally negotiated and internationally implemented agreement. As impact costs have increased, Guam has sought greater and improved assistance from the Federal Government. And that is why I am pleased that H.J. Res. 63 includes provisions based upon legislation that I introduced, namely H.R. 2522, and H.R. 2716 to address compact impact needs.

Madam Speaker, I want to go on record this afternoon to commend the gentleman from Illinois (Mr. HYDE), the gentleman from Iowa (Mr. LEACH), the gentleman from California (Mr. LANTOS), and my friend, the gentleman from American Samoa (Mr. FALEOMAVAEGA), for shepherding this legislation through this challenging process. I also want to express my gratitude to our chairman of the Committee on Resources, the gentleman from California (Mr. POMBO), and the ranking member, the gentleman from West Virginia (Mr. RAHALL), for their bipartisan leadership in addressing those matters important to myself and other members of the Committee on Resources. I also want to thank all of the staff in all the different offices who worked so hard so that we could realize this day today.

Madam Speaker, I urge my colleagues to vote for H.J. Res. 63, vote ''yes'' for our national defense, vote ''yes'' to fulfill our moral obligations to the people of the Pacific, vote ''yes'' to help develop their economies, and vote ''yes'' to advance our relationship in this new century.

Guam is the closest American neighbor to the FSM and the RMI, and we have seen the progress that they have made under the original Compact. Guam has welcomed and embraced those FSM and RMI citizens who have availed themselves of their Compact-provided right to migrate freely to the United States for the pursuit of educational and other opportunities. This migration has come at a financial cost to the Government of Guam, as in many cases, migrating FSM and RMI citizens do not directly contribute to the local revenue base that sustains the educational, health, and other social services on Guam. Guam has been impacted more significantly than any other jurisdiction by this Federally-negotiated and internationally-implemented agreement. As impact costs have increased, Guam has sought greater and improved assistance from the Federal Government. Congress has responded with some assistance, termed Compact-impact aid, and appropriated such aid from time to time over the past seventeen years in varying amounts, but never at levels to cover the costs actually realized or with the consistency to adequately help shoulder the adverse financial consequences. This is why I strongly advocated for amending the Compact law (Public Law 99–239) during this reauthorization process to ensure the immigration policy goes hand-in-hand with an adequate reimbursement policy for Compact-impact costs.

Among the first pieces of legislation I introduced as a new Member of Congress was H.R. 2522, a bill that would authorize the reduction, release, or waiving of amounts owed by the Government of Guam to the United States to offset past unreimbursed Compact-impact expenses, and H.R. 2716, a bill that proposes new methods and more reliable means to provide for adequate Compact-impact aid in the future. H.R. 2522 was heard in the Resources Committee in July, and the Governor of Guam, Felix Camacho, and the Speaker of the Guam Legislature, Ben Pangelinan, traveled to Washington, D.C. to testify about the Compact-impact costs in Guam.

In enacting the original Compact law in 1986, Congress stated that these adverse consequences would be reimbursed by Compact-impact aid. The General Accounting Office and a previous report by Ernst and Young indicate that the unreimbursed costs accrued to date in Guam are approximately $187 million. I am pleased that H.R. 2522, in a modified form, has been agreed to by the Resources Committee and has been incorporated into H.J. Res. 63. Section 104(e)(1) of this legislation would provide for a process by which the President could use debt relief as a means to reconcile past unreimbursed impact expenses for Guam and the Commonwealth of the Northern Mariana Islands.

I believe that such authority could be exercised by the President in the public interest. One of the examples of debts owed by Guam which was brought to my attention is the amounts owed by the Guam Telephone Authority (GTA) for infrastructure improvements to Guam's telephone system in the 1970s and 1980s. GTA currently owes $105 million to the Rural Utilities Service. This debt has been an impediment to recent efforts by Guam to privatize the telephone authority, which now has the distinction of being the last government-owned telephone utility in the nation. The existing debt has caused potential buyers to avoid GTA due to its debt service ratio of 0.70 to 1, a ratio well below the 1 to 1 ratio preferred by investors. Furthermore, the annual debt service costs for GTA's loans make it difficult to attract buyers.

The reforms passed by Congress in the 1996 Telecommunications Reform Act eroded GTA's ability to compete in the marketplace. Telephone deregulation opened up the industry to competition, and in Guam, GTA was constrained by local and federal laws from competing while losing its own advantages as a local monopoly.

Debt relief for GTA to offset unreimbursed impact expenses would make it possible to privatize the utility and to end further Federal subsidies. The Federal investment in infrastructure has already paid off in debt service payments by Guam and in minimal Federal reconstruction costs for GTA after typhoons in the past two decades. Moreover, without the debt relief that Guam seeks, it may be more difficult to privatize the utility because the net return from the sale of GTA may not be substantial enough to make it an attractive option. Due to the economic recession in Guam, some opponents of privatization have already likened this effort to unloading GTA at fire sale prices and have argued that the Guam taxpayers have invested too much in this utility to

let it go for too little, irrespective of the actual market value of this depreciated telephone utility.

The authority for debt relief contained within H.J. Res. 63 may be prudently exercised by the President to set appropriate conditions for the relief in order to make the previous Federal investment and the Federal relief sought worthwhile. In this regard, the relief for GTA's debts could be made contingent on the Government of Guam's commitment to privatize the utility and use the proceeds from the sale of GTA for other capital improvement needs on Guam such as schools, water and power infrastructure, and health facilities. The debt relief contemplated by this provision is not intended to exacerbate the economic situation of Guam rather it is intended to promote good public policy and stimulate the economy.

Guam has suffered from a series of typhoons dating back to 1997. Any amounts owed by the Government of Guam to the Federal Government for Federal Emergency Management Agency (FEMA) assistance can be considered an offset for unreimbursed Compact-impact costs. In addition, the Government of Guam continues to request a reconciliation of FEMA assistance for Supertyphoon Paka, which struck Guam in December 1997, and for which the Government of Guam believes a significant amount of money is owed to cover debris collection, removal and disposal work in the aftermath of the storm.

Examples of other debts that could be retired or reduced to offset unreimbursed impact expenses for Guam are the $9 million owed by the Guam Waterworks Authority to the Department of the Navy for water consumption and $3 million owed by the Guam Community College to the Department of Education for construction of a student housing facility.

Beyond this reconciliation provision, I am also pleased that the Resources Committee agreed to provisions contained within H.R. 2716, and incorporated them into H.J. Res. 63, so that for the next twenty years we avoid the great disparity between impact costs and realized reimbursement. Providing for $30 million in annual mandatory Compact-impact aid for the affected jurisdictions is a significant improvement over the current mechanism for Compact-impact reimbursement. Although I continue to question the Federal obligation to the affected jurisdictions, I am pleased that H.J. Res. 63 includes authorizing language that would allow for additional Compact-impact aid, above and beyond the $30 million, in future years to address reimbursement needs. Further, to help Congress accurately assess actual Compact-impact costs, I am pleased the Resources Committee restored a reporting requirement. I am equally pleased the Resources Committee retained referral authority for medical facilities of the Department of Defense. Together, these provisions should set us on the right course for the next twenty years.

My colleagues, Mr. ABERCROMBIE, Mr. CASE, Mr. GALLEGLY, Mr. REHBERG, Mr. ACEVEDO-VILÁ, Mr. GRIJALVA, and Mr. PALLONE, along with Mr. FALEOMAVAEGA, were also there for Guam throughout this process and helped me to ensure the Guam Compact-impact reconciliation provision was included. I thank them as well for their support.

Mr. FALEOMAVAEGA. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, as I do not have any further speakers, I would like to express a few sentiments. It is very easy for those of us managing pieces of legislation and somewhat proclaiming our own sense of expertise by commenting or making speeches. As my good friend, the gentleman from Iowa (Mr. LEACH), had given an indication earlier, there has been tremendous support from members of the professional staff of the two committees who have done an outstanding job in helping putting this piece of legislation together. Again, I would be remiss if I do not express my sense of appreciation to Mr. Doug Anderson and also Mr. Jamie McCormick on the majority side on the Committee on International Relations, as well as Mr. Peter Yeo and Dr. Lisa Williams, and also Dr. Bob King. Also on the Committee on Resources we have Mr. Tony Babauta and Mr. Chris Fluhr of the Committee on Resources, and also Mr. Chris Foster from the gentleman from California's (Mr. POMBO) office, and the outstanding contributions they have made as professional members of both committees in putting this legislation and certainly giving us positive advice now that we find ourselves agreeing to some of the important elements of this bill that is now before us.

We sincerely hope that our colleagues will lend their support to this important legislation.

Madam Speaker, I yield back the balance of my time.

Mr. LEACH. Madam Speaker, I yield myself such time as I may consume.

First, I want to concur in the sentiments of my good friend, the gentleman from American Samoa (Mr. FALEOMAVAEGA) with regard to the professionalism of the staff on Capitol Hill.

Prior to yielding back my time, I would like to specifically recognize the exceptional contribution of the chairman of the Committee on Resources, the gentleman from California (Mr. POMBO). The cooperation of his committee was crucial to our putting together this resolution.

Madam Speaker, finally, consideration of this resolution is historically significant for the Pacific region. It provides a moment for the people of the United States and the Freely Associated States to celebrate our warm friendship and look to an enhanced and mutually respectful relationship.

Mr. FALEOMAVAEGA. Madam Speaker, will the gentleman yield?

Mr. LEACH. I yield to the gentleman from American Samoa.

Mr. FALEOMAVAEGA. Madam Speaker, I also want to note to the benefit of our colleagues that just this last weekend our President visited the State of Hawaii and he had an opportunity to meet with the leaders of these island nations at the East-West Center and the concerns expressed collectively by these leaders regarding homeland security. The security issues now of terrorism and issues of this nature are vitally important to this region of the world; and, again, this is all in concert with the efforts that we are making to make sure that we continue to establish good relations with our friends from Micronesia. I again thank my good friend, the gentleman from Iowa (Mr. LEACH), for his tremendous support and leadership in bringing this legislation to the floor, again, sincerely hoping our colleagues will support this legislation.

Mr. LEACH. Reclaiming my time, Madam Speaker, let me stress again the importance of this resolution. It has strong bipartisan support, I urge our colleagues to give this their unanimous support. This renewed compact is critical to the region.

Ms. WATSON. Madam Speaker, President Clinton gave me the privilege to represent the American people as Ambassador to the Federated States of Micronesia. I have a deep respect for the Island nations, and I am pleased that we have passed the new compact legislation out of the House.

Although most of the contentious issues in the compact have been addressed, the funding allocated for education concerns me. The RMI and FSM children have only just begun to benefit from the establishment of an integrated education system. I urge Congress to monitor education appropriations for the compact and stay intent on our obligations.

In my former profession of teaching I have witnessed the impact of early structured education. Young students are much better equipped to enter the educational system when they are exposed to education at an early age. The educational funding that Chairman REGULA has offered to support is critical to keep effective programs in place.

I strongly support those provisions in this compact that provide for continued Pell Grant eligibility for the FAS. It will bolster the ability of the FAS to cultivate education. The elimination of Pell Grant assistance would have decimated the college system in the FAS altogether. A large portion of the operating funds for the College of Micronesia are obtained through Pell Grants.

One other important area that I would like to point out is the reinstatement of FEMA assistance. It has been placed back into the Compact for infrastructure purposes and major catastrophes. USAID is not equipped to deal with all of the problems that arise on small islands nor do they have the ready response to help in a timely fashion. As we move forward with our unique relationship with the FAS I hope the United States Congress will be supportive and receptive to the needs of our friends.

In conclusion, with a few minor adjustments, this Congress will produce long lasting legislation to be proud of. I urge my colleagues to understand the importance of the FAS. I support this bill and look to endorse the final product as the other body considers the Compact.

Mr. BEREUTER. Madam Speaker, this Member rises in strong support for H.J. Res. 63, the Compacts of Free Association Amendments Act of 2003. Additionally, this Member would like to extend thanks to the very distinguished gentleman from Iowa, the Chairman of the International Relations Subcommittee on Asia and the Pacific, (Mr. LEACH) for his efforts to conduct oversight of the Compact negotiations and ultimately to bring this measure

to the Floor today. Both the gentleman and his staff on the Subcommittee are to be commended for their vigilance. Furthermore, this Member would like to thank the distinguished gentleman from California (Mr. POMBO), the Chairman of the Resources Committee, which also has jurisdiction over the Compacts of Free Association for his efforts in guiding this resolution through the legislative process.

When this Member served as Chairman of the International Relations Subcommittee on Asia and the Pacific, he requested a Government Accounting Office (GAO) investigation into the use of Compact of Free Association funds. Indeed, this Member traveled to the Republic of the Marshall Islands (RMI) and the Federated States of Micronesia (FSM) many years ago and was disturbed by the conditions of schools, roads, and public buildings despite the infusion of U.S. aid. Unfortunately, the GAO reports certainly corroborated this Member's grave concerns about pervasive fraud, corruption, and waste of funds by the RMI Government and the poor planning and construction of infrastructure in both the RMI and the FSM.

This resolution would approve the amended Compact of Free Association, the agreement through which the United States provides assistance to the people of the RMI and the FSM. Overall, the revised Compact addresses many of the concerns which this Member has expressed for many years about this assistance and development programs for these two island groups which are two of the four Trust Territories for which the United States assumed responsibility after World War II. Of course, Congress must continue its oversight role to ensure that the people of RMI and FSM get the aid and services which they deserve and that the funds are not diverted for misuse by government officials in those countries.

In closing, Madam Speaker, this Member encourages his colleagues to vote for H.J. Res. 63.

Mr. BOEHNER. Madam Speaker, I rise in support of H.J. Res. 63 which will renew the Compact of Free Association with both the Federated States of Micronesia (FSM) and the Republic of the Marshall Islands (RMI). I am pleased that Chairman Hyde and Chairman Pombo worked with me to find a solution to continue funding for education programs in the Federated States of Micronesia and the Republic of the Marshall Islands.

H.J. Res. 63 provides a new supplemental education discretionary grant for the FSM and the RMI to receive funding from one source. This supplemental education grant provides funds for the FSM and RMI to use for education programs under Title 1 of the Elementary and Secondary Education Act, part B of IDEA, Title 1 of the Workforce Investment Act, the Adult Education and Family Literacy Act, Title 1 of the Carl D. Perkins Vocational and Technical Education Act and the Head Start Act. These funds will be subject to the Fiscal Procedures Act negotiated by the U.S. government and the FSM and the RMI. Specifically, the U.S. Department of Education, as a member of the Joint Economic Management Team, will ensure that academic performance measures are developed for standards and assessments appropriate for the FSM and RMI in order to increase academic achievement for the children receiving educational services under this grant. H.J. Res. 63 also continues eligibility for the FSM and RMI under the Pell Grant program and continues to allow the FSM and RMI to compete for competitive grants at the U.S. Department of Education.

Madam Speaker, I want to be clear. This new discretionary supplemental education grant is the source, and only source, for funds for education programs for the FSM and RMI. They are no longer eligible to receive separate funding from any formula grant run by the Department of Education, the Department of Labor or the Head Start Act administered by the Department of Health and Human Services. In my view, this new supplemental education grant is a signal that funds for the FSM and RMI should be addressed within the Compact, rather than through a disjointed system of domestic formula grants. The United States owes an enormous debt to these nations and efforts to improve their educational system should be a top priority.

I urge my colleagues to support this Compact.

Mr. SENSENBRENNER. Madam Speaker, H.J. Res. 63 amends the Compacts of Free Association between the United States and the Federated States of Micronesia and the Marshall Islands. The Compacts, agreed to in the 1980s, provide that the United States will support the new island nations economically and that we can establish, by agreement, military bases in their territories and foreclose access to the nations by military personnel of third countries. As to the Marshall Islands, a major subsidiary agreement allows the United States continued use of the Kwajalein missile test range. Deputy Assistant Secretary of Defense for Asian and Pacific Affairs Peter Brookes testified last year that ''it is in our best interest to maintain the full range of military access, use, and security cooperation options and rights that the Compact[s] provide[].''

The Compacts grant citizens of the Federated States of Micronesia and the Marshall Islands the right to enter the U.S. without passports or visas, as nonimmigrants and lawfully engage in occupations. In recent years, the U.S. government has expressed a number of concerns regarding these immigration provisions.

First, the ability of aliens claiming to be citizens of the two nations without having to have passports is an open invitation for abuse by terrorists. In addition, the government of the Marshall Islands has in the past been found to have sold passports.

Second, some Americans have taken advantage of the ability of islanders to enter the U.S. to bring in adopted children without having to meet the requirements of the Immigration and Nationality Act regarding foreign adoptions that are designed to safeguard the interests of the adopted children and their biological parents.

Finally, labor recruiters who arrange jobs in the United States for islanders have been abusing these unsophisticated workers, such as by not revealing the real nature of the jobs to be performed and charging prohibitive liquidated damages should the workers leave employment prematurely.

The State Department utilized the looming expiration of the economic assistance provisions of the Compacts to persuade the nations to agree to needed modifications to the Compacts addressing these immigration concerns and other matters. These changes are contained in H.J. Res. 63.

In order to address our security concerns, a number of changes have been made including barring entry to the U.S. under the Compacts of persons who were sold passports, limiting those naturalized citizens who can enter the U.S. pursuant to the Compacts, and requiring passports for entry to the U.S.

As to adoptions, any child who is coming to the U.S. pursuant to an adoption outside the country or for the purpose of adoption in the United States, is ineligible for admission as a nonimmigrant under the Compacts. The child must be brought to the U.S. pursuant to the applicable provisions of the Immigration and Nationality Act.

Separate agreements, which shall come into effect simultaneously with the Compacts, shall incorporate minimum obligations that labor recruiters will have to meet in order to protect Micronesians and Marshall Islanders who are recruited for work in the U.S.

H.J. Res. 63 also includes a number of provisions within the claims, courts, criminal law and administrative law jurisdiction of the Committee. For instance, the Compacts are amended to provide that the governments of the nations are immune from the jurisdiction of U.S. courts and that the U.S. shall not be liable in their courts, and federal agencies are authorized to settle and pay tort claims arising from acts or omissions of their employees within the two nations.

As to criminal law jurisdiction, provisions of the amended Compacts allow the United States to provide technical and training assistance to the governments of the Federated States of Micronesia and the Republic of the Marshall Islands. This assistance will facilitate the development and enforcement of their respective laws and allow for cooperation with the United States in the enforcement of U.S. laws. The postal inspection of contraband, extradition of fugitives, and the transfer of prisoners are among the mutual assistance in law enforcement matters addressed by the Compact. These issues are important not only in addressing the reality of the increased translational nature of general crime, but also are vitally important when confronting the issue of global terrorism.

H.J. Res. 63 contains numerous beneficial changes to the Compacts of Free Association. I urge my colleagues to support this legislation.

Mr. RAHALL. Madam Speaker, I rise in support of H.J. Res. 63, the Compacts of Free Association Amendments Act of 2003. These amendments to the existing Compact, extends and refines the official relationship between the United States and our friends and allies, the Republic of the Marshall Islands (RMI) and the Federated States of Micronesia (FSM).

For the next 20 years, we can only hope that these changes will result in continuing economic opportunity, social development, and improvements to the quality of life of these island nations as well as serve the interests of the United States.

The RMI and FSM's contribution to our Nation's history is unique. Beginning in the mid-1940s, after World War II, their people sacrificed both land and culture to help preserve peace.

Then under U.S. Trusteeship, atolls in the RMI were used as sites to test the effectiveness and power of U.S. nuclear weaponry. Islands comprising the FSM and also the Republic of Palau became our ''line in the sand''

in the middle of the Pacific Ocean from which we staved off the spread of communism.

Though their role has largely gone unnoticed by the American public, the relationship we have since established with them to become emerging self-governing and self-sufficient democracies reflects how important we view their contributions to our Nation.

Seventeen years have passed since the RMI and FSM became freely associated with the United States. The relationship has been successful and yet imperfect.

The Compact amendments we are considering today will not make the relationship perfect, or guarantee success. There is no clear legislative path to accomplish such goals. However, all the tools are within this legislation for both the RMI and FSM to continue developing, as well as for the United States to continue to foster their growth.

H.J. Res. 63 preserves education opportunities, advances economic activity, safeguards infrastructure investments, and adequately addressed the consequences of immigration to Hawaii, Guam and the Northern Marianas from the freely associated states.

In that regard, I want to make note of the great amount of work NEIL ABERCROMBIE and MADELEINE BORDALLO put into this issue. With justification, they should be proud of their work on behalf of Hawaii and Guam as it relates to the matter of impact aid.

Let me state that this legislation is the product of bipartisan support and multiple Committee collaboration. Bringing this legislation to the floor would not have been possible without the leadership of International Relations Chairman HENRY HYDE and the Ranking Democrat TOM LANTOS, as well as Chairman LEACH and our colleague from American Samoa, from the Subcommittee on East Asia and the Pacific.

Finally, I also want to thank Resources Chairman RICHARD POMBO for the bipartisan manner to which he worked with us on the Committee. His willingness to address important Compact issues in a meaningful and responsive manner gave us the opportunity to move this legislation expeditiously.

I urge my colleagues to favorably pass H.J. Res. 63.

Mr. ABERCROMBIE. Madam Speaker, I would like to express my wholehearted support for this legislation being considered today. For the past 17 years, the United States has had a successful relationship with the Freely Associated States (FAS). The Federated States of Micronesia (FSM) and the Republic of the Marshall Islands (RMI) have been able to transition from a United Nations trusteeship to sovereign governments. At the same time, the United States has had its security and defense interests in the Pacific fulfilled. H.J. Res. 63 will improve this vital economic and military relationship by allowing our nations to continue the successes in our agreement while helping to resolve some of our differences.

One of the issues which required a resolution is the impact that the Compacts of Free Association has had on U.S. areas in the Pacific. The Compacts allow FSM and RMI citizens to freely enter the U.S. and its territories to live, seek an education, obtain healthcare and find employment. For the State of Hawaii alone, more than $32 million was expended in 2002 in order to support Compact migrants and help ensure their health and well-being. These costs have been borne by Hawaii since the Compacts were first implemented in 1986. For the past seventeen years, the state has provided Compact migrants with the care and benefits that were promised to them by the first Compact, expending more than $140 million. In that time, the federal government has reimbursed a mere five percent of that amount. As a signatory to the Compacts of Free Association, I believe it is the United States, not the State of Hawaii that should bear its costs.

For the first time ever, the Administration recognized this hardship and proposed a mandatory funding stream of $15 million a year for Hawaii, Guam, the Commonwealth of the Northern Mariana Islands, and American Samoa. H.J. Res. 63 has been amended to go even further to address this vast shortcoming by increasing the mandatory appropriations to $30 million a year. Although these funds will be divided among the four jurisdictions, it will be the largest compensation any of these jurisdictions has received to date. While these funds will surely cover only a portion of the total impact cost, its yearly distribution will undoubtedly have a great effect on the state departments and agencies that have spent untold resources and labor in providing for the compact migrants.

The legislation has also been amended to include many other improvements. The inclusion of language authorizing discretionary appropriations, the extension of Pell Grant eligibility, the inclusion of a trigger for full inflation adjustment, and the restoration of language authorizing compensation for health institutions are a few of these changes. I am also gratified to see these provisions, as they will help the Federated States of Micronesia and the Republic of the Marshall Islands in their quest to become fully independent countries.

At this time I would also like to thank Chairman RICHARD POMBO, Chairman HENRY HYDE, Chairman JIM NUSSLE, and Chairman JOHN BOEHNER for all of their hard work in bringing this bill to the floor. Thanks to their efforts, I have no doubt that our relationship with these Pacific nations will continue to be productive and mutually beneficial. I urge my colleagues to support this important measure.

Mr. HYDE. Madam Speaker, I submit for printing in the CONGRESSIONAL RECORD the following correspondence concerning H.J. Res. 63: (1) an exchange of letters between Chairman THOMAS and myself; (2) a letter from Chairman REGULA to me; (3) a letter from Chairman POMBO to Chairman NUSSLE; and (4) a letter from me to Chairman NUSSLE.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON WAYS AND MEANS,
Washington, DC, September 24, 2003.

Hon. HENRY J. HYDE,
Chairman, Committee on International Relations, Rayburn House Office Building, Washington, DC.

DEAR CHAIRMAN HYDE: I am writing concerning H.J. Res. 63, the ''Compact of Free Association Amendments Act of 2003,'' which was referred to the Committees on International Relations, Resources and Judiciary. I understand that a short-term extension of the compacts may be included in a Continuing Resolution to be considered by the House.

As you know, the Committee on Ways and Means has jurisdiction over matters concerning trade. H.J. Res. 63, which incorporates Article IV of the agreements with the Federated States of Micronesia and the Republic of the Marshall Islands, contains several provisions involving tariffs and imports, which fall squarely within the jurisdiction of the Committee on Ways and Means.

However, in order to expedite this legislation for floor consideration, the Committee will forgo action on this bill. This is being done with the understanding that it does not in any way prejudice the Committee with respect to the appointment of conferees or its jurisdictional prerogatives on this or similar legislation.

I would appreciate your response to this letter, confirming this understanding with respect to H.J. Res. 63, and would ask that a copy of our exchange of letters on this matter be included in the CONGRESSIONAL RECORD during floor consideration.

Best regards,

BILL THOMAS,
Chairman.

HOUSE OF REPRESENTATIVES, COMMITTEE ON INTERNATIONAL RELATIONS,
Washington, DC, September 24, 2003.

Hon. WILLIAM M. THOMAS,
Chairman, Committee on Ways and Means, House of Representatives, Longworth House Office Building, Washington, DC.

DEAR BILL: Thank you for your letter concerning H.J. Res. 63, the ''Compact of Free Association Amendments Act of 2003'' which was referred to this Committee among others.

I concur with your statements concerning the jurisdiction of the Ways and Means Committee over certain matters contained in this legislation. H.J. Res. 63, which incorporates Article IV of the agreements with the Federated States of Micronesia and the Republic of the Marshall Islands, contains several provisions involving tariffs and imports, which fall squarely within the jurisdiction of the Committee on Ways and Means. I appreciate your willingness to forgo consideration of the bill.

I also understand that this action on your part does not in any way prejudice your Committee with respect to the appointment of conferees or its jurisdictional prerogatives on this or similar legislation.

Sincerely,

HENRY J. HYDE,
Chairman.

HOUSE OF REPRESENTATIVES,
Washington, DC, October 27, 2003.

Hon. HENRY HYDE,
Chairman, Committee on International Relations, House of Representatives, Rayburn House Office Building, Washington, DC.

DEAR CHAIRMAN HYDE: This letter is to confirm the agreement regarding H.J. Res. 63, ''Compact of Free Association Amendments Act of 2003.'' I thank you for working with me on amendments affecting education programs for the Federated States of Micronesia and the Republic of the Marshall Islands, specifically Section 105(g), Supplemental Education Grants, as you have currently proposed to be included in your Substitute during Floor consideration. In addition to you, I very much appreciate the work and cooperation of Chairman John Boehner, Chairman Jim Nussle, and Chairman Richard Pombo in finding an excellent solution.

While eligibility under most domestic education programs will terminate with ratification of this Compact Agreement, your Substitute to H.J. Res. 63 would continue student eligibility under the Pell Grant program of the Higher Education Act of 1965, continue institutional eligibility for certain competitive grant programs administered by the Secretary of Education, and create a new discretionary grant program for education in lieu of receipt of certain discretionary domestic education programs.

As you know, the Subcommittee on Appropriations for Labor, Health and Human Services, Education and Related Agencies has consistently funded education programs for the Federated States of Micronesia and the Republic of the Marshall Islands under Title I of the Elementary and Secondary Education Act, part B of the Individuals with Disabilities Education Act, Titles I and II of the Workforce Investment Act of 1998, Title I of the Carl D. Perkins Vocational and Technical Education Act and the Head Start Act. I assure you that I will continue to fund these programs through the newly created supplemental education grants authorized in your substitute to H.J. Res. 63.

I do have concerns that these provisions remain intact throughout the legislative process and will work with you to ensure that this new discretionary authority for supplemental education grants is maintained through a conference agreement.

I thank you for working with me regarding this matter. If you have questions regarding this matter, please do not hesitate to call me.

Sincerely,

RALPH REGULA,
Chairman, House Appropriations Subcommittee on Labor, Health and Human Services, Education and Related Agencies.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON RESOURCES,
Washington, DC, September 29, 2003.

Hon. JIM NUSSLE,
Chairman, Committee on the Budget, Cannon House Office Building, Washington, DC.

DEAR MR. CHAIRMAN: I understand that the Committee on the Budget objected to consideration of H.J. Res. 63 on the Floor of the House of Representatives last week due to funding levels that were inconsistent with the most recent budget resolution. H.J. Res. 63 was referred primarily to the Committee on International Relations and additionally to the Committee on Resources. The bill was also sequentially referred to the Committee on the Judiciary. After extensive negotiations with the Department of State, the Department of the Interior, other committees of jurisdiction and our Members, the Committee on Resources reported an amended bill on September 15, 2003 (H. Rept. 108–262, Part II). It is this amended text, with modifications, that Chairman Henry Hyde of the International Relations Committee desires to schedule for Floor consideration.

H.J. Res. 63 approves the ''Compact of Free Association, as amended between the Government of the United States of America and the Government of the Federated States of Micronesia,'' and the ''Compact of Free Association, as amended between the Government of the United States of America and the Government of the Republic of the Marshall Islands,'' and otherwise to amend Public Law 99–239, and to appropriate for the purposes of amended Public Law 99–239 for fiscal years ending on or before September 30, 2023. The version reported from the Committee on Resources authorizes funding for various assistance programs to the Marshall Islands and Micronesia. It also provides ''impact aid'' to the U.S. Pacific territories and the State of Hawaii associated with the two Freely Associated States.

I acknowledge that the Committee on Resources has slightly exceeded its budget allocation attributed to the approval and implementation of the Compacts of Free Association with the Marshall Islands and Micronesia. For example, for those programs within the Committee on Resources' jurisdiction contained in the bill, the budget resolution provided $19M for Fiscal Year (FY) 2004, but H.J. Res. 63 authorizes $28M. For FY 2004 through FY 2008, the budget resolution provided $105M; the bill has a $159M cost for that same period.

To expedite consideration of the resolution, the Committee on Resources will agree to absorb the additional budget authority and outlays contained in H.J. Res. 63 as reported within the overall Committee allocation under the budget resolution. This represents a total of $54M in both budget authority and outlays for FY 2004 through FY 2008.

Obviously, this decision will affect other programs within the Committee on Resource's jurisdiction, but I believe that enactment of the compact bill and the aid it provides to the two freely associated states, as well to the U.S. pacific territories and the State of Hawaii, justifies this shift in our priorities. However, as you know, the Committee on Resources has only limited outlay and budget authority under the current budget resolution. Given the time remaining in the 108th Congress, we would not be unable to absorb any additional funding associated with this bill or a Senate counterpart given other legislative initiations expected to be enacted.

Thank you for this opportunity to clarify our position. I hope it will enable Chairman Hyde and Congressman Leach, the author of the measure, to move forward with this important legislation.

Sincerely,

RICHARD W. POMBO,
Chairman.

HOUSE OF REPRESENTATIVES, COMMITTEE ON INTERNATIONAL RELATIONS,
Washington, DC, October 23, 2003.

Hon. JIM NUSSLE,
Chairman, Committee on the Budget, House of Representatives, Cannon House House Office Building, Washington, DC.

DEAR JIM: I am writing to memorialize and confirm an understanding regarding a new, proposed suspension version of H.J. Res. 63, the Compact of Free Association Amendment Act of 2003, which has been worked out between the Committee on Resources, the Committee on Education and the Workforce, and the Committee on International Relations.

This new text is intended to address your Committee's cost-related objection to the originally proposed suspension version of H.J. Res. 63 while also addressing the concerns of numerous Members that adequate education assistance be provided to the Republic of the Marshall Islands (RMI) and the Federated States of Micronesia (FSM) under the new Compacts of Free Association. The language in Section 105(g)(1)(B) of the original suspension text would have created approximately $29 million in new, annual direct spending for targeted education grants intended to replace the benefits that those countries currently receive as participants in certain U.S. formula-grant education programs.

The new, consensus text: (1) replaces that mandatory spending language with language authorizing new, discretionary grant assistance from the Department of Education to the RMI and FSM, in lieu of (and in an amount generally commensurate with) certain educational programs that currently receive; and (2) is premised upon an explicit assurance from the relevant appropriators that they will work to fund those new authorities in the years ahead. I understand that this change, together with the Resources Committee's willingness to absorb the $54 million in five-year costs above what was allocated for Compact assistance in the FY04 budget resolution, will satisfy your objections to H.J. Res. 63 and allow this legislation to move forward on the suspension calendar.

I support this arrangement and will endeavor in good faith, as we move it forward through the legislative process, to actively work against any version of this bill (i.e., free-standing Senate legislation, attachment to an appropriations bill, etc.) that may exceed a total cost of $28 million in 2004 and $159 million over five years. It is my hope that this commitment will suffice to address your Committee's understandable concerns. As you are likely aware, there are a number of reasons why it is critical for the House to act promptly on this important resolution. Please do not hesitate to call if I or my staff can be of any assistance on this matter.

Sincerely,

HENRY J. HYDE,
Chairman.

Mr. POMBO. Madam Speaker, I rise in support of H.J. Res. 63, the ''Compact of Free Association Amendments Act of 2003.'' The House Resources Committee has a unique understanding of the issues that affect the insular areas, and this legislation received strong support within our Committee.

For over 50 years, the United States has enjoyed a very unique relationship with citizens of Micronesia and the Marshall Islands. In 1984, President Ronald Reagan proposed a new status for the trust territories of the Pacific through negotiated Compacts of Free Association. After having status as a United Nations Trust Territory for many years, in 1986, these islands chose to become sovereign states.

Starting in 1986, when Congress passed ''The Compact Act,'' we made the agreement to strive to continue to maintain both economic and political stability in this region, including working to advance economic self-reliance in these islands.

With the passage of time and implementation of the original Compact, it is very encouraging to see the results achieved that were aided by this legislation. We can now consider the connection we have with the Federated States of Micronesia (FSM) and the Republic of the Marshall Islands (RMI) to be one of the United States' closest bilateral relationships.

The administration submitted to Congress a large agreement that reflected many hours of hard work from individuals primarily within the U.S. State Department and the U.S. Department of the Interior. These individuals deserve recognition for the time which they dedicated to the people and governments of the Freely Associated States. Multiple Committees have an interest in this legislation, as the Compacts cover everything from immigration to health care and continuing education programs. It is encouraging to see how closely so many Members were able to work closely over the last few months to ensure bipartisan support and passage of this legislation.

I wanted to thank the Members of the House Resources Committee for their thoughtful input throughout the process of amending this legislation. The openness with which our Committee was able to work with the Chairmen and Ranking Members of the House International Relations Committee, the House Education and Workforce Committee, and the House Judiciary Committee was also essential to bringing H.J. Res. 63 to the floor today.

Through the work of multiple Members, the House has been able to make numerous changes that should create more beneficial results for not only those living in the FSM and

RMI, but also for those citizens from the Freely Associated States living in areas like American Samoa, the Commonwealth of the Northern Mariana Islands, Guam, and Hawaii.

We were able to craft legislation that incorporates components such as the strong accountability reforms agreed upon by the Administration, the FSM, and the RMI, while pushing to empower these citizens to maintain strong health care advances, education programs and general infrastructure. Chairman BOEHNER was particularly helpful in working with multiple Committees to ensure we worked to address the issue of funding education programs in the FSM and the RMI to a necessary level, and it is important to note that Congress will now ensure that this funding can be provided within the Compact for the next 20 years.

Further, through the direct input of Members from those areas affected by the migration of FAS citizens, we doubled the level of what is commonly referred to as ''Compact Impact'' funding. This will greatly assist areas in their ability to allow FAS citizens to continue to migrate to their islands while also fortifying the spending by their own respective governments on students and others that utilize the social resources of these areas.

Finally, the hard work over numerous years put into what is now H.J. Res. 63 should not be ignored and this legislation needs to move forward as quickly as possible. The timing is critical for these islands, and important to maintaining a relationship that has brought us the strong U.S. defense and strategic interests that exist in this area of the Pacific Ocean.

The ability for Congress to act thoughtfully and expeditiously is shown in the interest of multiple Members working to ensure we got this legislation to the Floor for a vote today. I appreciate again the leadership of Mr. HYDE and Mr. LEACH, as well as Mr. LANTOS from the International Relations Committee. My colleague from West Virginia, Mr. RAHALL, was also very engaged throughout the process of moving this legislation, which helped to allow the Resources Committee to move forward with a unified voice concerning this legislation.

I thus strongly support the passage of H.J. Res. 63 and encourage the bipartisan support of this measure by my colleagues.

Mr. LEACH. Madam Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mrs. BIGGERT). The question is on the motion offered by the gentleman from Iowa (Mr. LEACH) that the House suspend the rules and pass the joint resolution, H.J. Res. 63, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the joint resolution, as amended, was passed.

A motion to reconsider was laid on the table.

REPUDIATING ANTI-SEMITIC SENTIMENTS EXPRESSED BY DR. MAHATHIR MOHAMAD, OUTGOING PRIME MINISTER OF MALAYSIA

Mr. LEACH. Madam Speaker, I move to suspend the rules and agree to the resolution (H. Res. 409) repudiating the recent anti-Semitic sentiments expressed by Dr. Mahathir Mohamad, the outgoing prime minister of Malaysia, which makes peace in the Middle East and around the world more elusive.

The Clerk read as follows:

H. RES. 409

Whereas the outgoing prime minister of Malaysia, Dr. Mahathir Mohamad, has become notorious over the years for his overt anti-Semitism and opposition to the State of Israel;

Whereas Dr. Mahathir opened the 57-nation, October 2003 summit of the Organization of the Islamic Conference in Malaysia by characterizing Israel and Jews around the world as ''the enemy'' who ''rule the world by proxy'';

Whereas incendiary rhetoric of this nature can be neither excused nor rationalized;

Whereas Dr. Mahathir's anti-Semitic remarks are despicable and could serve to incite further sectarian violence;

Whereas, among the 57 national representatives in attendance, none raised their voice in protest and many applauded Dr. Mahathir's statements; and

Whereas President George W. Bush traveled to Thailand to attend the October 20–21, 2003, meeting in Bangkok of the leaders of Asia-Pacific Economic Cooperation (APEC) and rebuked Dr. Mahathir for his ''wrong and divisive'' remarks: Now, therefore, be it

Resolved, That the House of Representatives—

(1) thoroughly repudiates the damaging rhetoric of the outgoing prime minister of Malaysia, Dr. Mahathir Mohamad, which embodies age-old stereotypes of Jewish global domination and grotesque anti-Semitism on an international scale;

(2) reaffirms the rebuke made by President George W. Bush of Dr. Mahathir and his injurious sentiments on October 20, 2003, stating that the remarks ''stand squarely against what I believe'';

(3) calls upon other governments and international bodies, notably the European Union, to condemn these remarks as dangerous incitement; and

(4) deplores the tacit acquiescence of those national representatives in attendance at the October 2003 Organization of the Islamic Conference as willing complicity in spreading a message of hate and incitement against Jews.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Iowa (Mr. LEACH) and the gentlewoman from Nevada (Ms. BERKLEY) each will control 20 minutes.

The Chair recognizes the gentleman from Iowa (Mr. LEACH).

GENERAL LEAVE

Mr. LEACH. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H. Res. 409.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Iowa?

There was no objection.

Mr. LEACH. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I rise today in support of a resolution repudiating the recent anti-Semitic sentiments expressed by Dr. Mahathir Mohamad, the outgoing Prime Minister of Malaysia.

At the outset, let me thank the majority whip, the gentleman from Missouri (Mr. BLUNT), as well as the distinguished minority whip, the gentleman from Maryland (Mr. HOYER), for their introduction of this thoroughly appropriate and timely resolution.

On October 16, Dr. Mahathir, the outgoing Prime Minister of Malaysia gave an address before the summit of the Organization of Islamic Countries in Kuala Lumpur which has drawn the condemnation of decent citizens throughout the world. In a speech, the Prime Minister made the widely reported comment, ''Today the Jews rule the world by proxy. They get others to fight and die for them.''

Dr. Mahathir chose to repeat Jewish conspiracy theories of world domination that first surfaced with the infamous anti-Semitic screed published in Russia by the Tsar's secret police back in 1905 known as ''The Protocols of the Elders of Zion.''

While in the same speech the Prime Minister properly rejected terrorism and urged Muslims to embrace modern knowledge and technology, he nevertheless strongly implied that he viewed Islam and the West to be in fundamental historical conflict. While the totality of the remarks might have been intended to reflect some sort of ill-perceived leadership balancing act, the fact that they were uttered, premeditatively crafted, by a modern head of state, makes them particularly irresponsible and reprehensible. They deserve the strongest condemnation. Nothing can be more damaging to peace on this fragile planet than to perpetrate the most invidious myths about any ethnic or religious group. Particularly at this time when the Middle East is a seething cauldron of tension, it is imperative that thoughtful leaders underscore the need for understanding, rather than foment thoughts that lead to conflict.

Madam Speaker, it is with the deepest regret and concern that I urge passage of this resolution.

Madam Speaker, I reserve the balance of my time.

Ms. BERKLEY. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I rise today in strong support for House Resolution 409, repudiating the recent damaging rhetoric of the outgoing Prime Minister of Malaysia, Dr. Mahathir.

Despite my steadfast and unequivocal support for this resolution, I rise today with a heavy heart. I am heavy-hearted not because I question the necessity of such a resolution, but because its necessity exists at all. I am heavy-hearted because in the year 2003 overt prejudice, racism and virulent anti-Semitism still exist. And I am heavy-hearted because I must take to the floor of the United States House of Representatives to condemn what should be an unfortunate relic of our past. To the contrary, anti-Semitism seems to grow stronger with every passing day. But I am not only heavy-hearted; I am outraged by this.

Madam Speaker, there are problems to be solved, world-wide problems, and

problems at home, homelessness, joblessness, poverty, famine, drought, flood, disasters. There are people that need our help and challenges we need to confront. But instead, today we take to the floor of the House not to confront these problems, but to confront a moral outrage and an affront to world civilization, overt racism and anti-Semitism on a massive scale.

This past week, Malaysian Prime Minister, Dr. Mohamad, opened a 57-nation Summit of the Organization of Islamic Conference by characterizing Israel and Jews as the enemy who rule the world by proxy. He continued by calling worldwide Jewry an arrogant people who forget to think and will continue to spread oppression and domination.

□ 1730

Prime Minister Mohamad has made what amounts to a call for a global war against the Jewish people and a holy war against the State of Israel. This is incendiary rhetoric of the worst kind. It is scapegoating, and it is racist, and it serves only as an incitement to violence and death and destruction. Not only are the comments of this nature dangerous and morally repugnant, they are beyond the pale of civilized dialogue.

Nine decades ago, my grandparents walked across Europe to come to this great country. They sought a better life for their family and a better future for their children and their grandchildren. They came with nothing more than the clothes on their back, fleeing prejudice and hardship and oppression and, had they remained, almost certain death by the hands of the Nazis.

It has been 90 years since my grandparents came to this great country. In those 90 years, we have won two world wars, conquered the evil of totalitarianism, and congratulated ourselves for a new era of globalism and plurality in which we celebrate our differences and embrace our diversity.

Americans believed that the rest of the world have been celebrating with us. How wrong we have been. The senseless, mindless hatred and prejudice that my grandparents experienced in Europe still exists today. It exists in the burning of synagogues worldwide. It exists in the attacks on Holocaust memorials in Europe, and it exists in remarks made by a head of state at a conference, remarks that not one of the 57 nations in attendance, not one, raised a voice of protest over or left the room in disapproval or disgust.

As world leaders and elected officials, we share a great responsibility. We are looked to for wisdom and guidance. In times of crisis, we are called upon to lead with fortitude and courage. In times of sadness, we are called to lead with strength and conviction, and in times of joy, we are called to lead with our hearts, but never, never are we called to lead with hatred.

Words and actions by an elected leader have far-reaching consequences. They have the power to make policy, and they have the power to change hearts and minds. National leaders must set an example. Not only are the unconscionable statements of the Prime Minister damaging in their own right, and they are, they are damaging at this critical time as the Palestinians and the people of Israel struggle to form a lasting peace.

By inflaming tensions between the Islamic and the Jewish world with hatred-filled bigotry, he has only helped to make an all-too-elusive peace more difficult to achieve. Once again, he has attempted to delegitimize Israel's right to exist as a Jewish State and demonize the Jewish people.

I am pleased that we will be voting today to condemn the offensive and damaging rhetoric of the Prime Minister. His words and the thoughts behind them are inexcusable. I am also pleased that we will be condemning the violence of other world leaders, silence that in the past has been deadly to millions.

I call upon my colleagues to join us in taking this strong stand against bigotry and intolerance, racism and anti-Semitism.

Madam Speaker, I yield 2 minutes to the gentlewoman from New York (Mrs. LOWEY), the ranking member of the Subcommittee on Foreign Operations, Export Financing and Related Programs.

Mrs. LOWEY. Madam Speaker, I thank the gentlewoman for her very strong, important statement and for offering this resolution.

I join my colleagues in condemning the hate-filled speech given by Prime Minister Mahathir Mohamad at the opening of the 10th Organization of the Islamic Conference in Malaysia on October 16. Many of my colleagues and I signed the letter that was sent to the Prime Minister directly, and today, we pass this resolution to make clear that the House of Representatives repudiates the Prime Minister's message of hate and intolerance.

In my judgment, the Malaysian Prime Minister's speech was a failure of leadership. At a conference focused on issues confronting Islamic Nations around the world, Dr. Mahathir Mohamad missed the chance to set a positive and constructive tone by talking about how more Islamic Nations can achieve prosperity and development and what those achievements would mean for the Islamic people around the world.

But, sadly, the Prime Minister did not take the opportunity to call for better educational opportunities or greater investment in Islamic countries or better trade, health care and economic development, all essential elements when creating stability and prosperity. The Prime Minister could have done such good, set an example, as Malaysia has done before, by discussing the Arab Human Development Reports, which place strong emphasis on increasing freedom, knowledge and women's empowerment. The Prime Minister's speech should have been a call for tremendous improvements in these areas. Instead, he gave a caustic, intolerant, hateful statement against Jews and Israel. What a tragic, missed opportunity. Following the negative sentiments of the Prime Minister will lead to more years of poverty, oppression and hate.

I urge all my colleagues to support this resolution, and I urge the leaders of the world who support economic development and educational opportunities as the best way to a secure future to make themselves heard in opposition to the Prime Minister's speech.

Ms. BERKLEY. Madam Speaker, I yield 4½ minutes to the gentleman from Maryland (Mr. HOYER), our Democratic whip and an original cosponsor of H. Res. 409.

Mr. HOYER. Madam Speaker, I thank the gentlewoman from Nevada for yielding me the time, and I congratulate her for her leadership on this critically important issue. She is the principal author of this resolution, and the gentleman from Missouri (Mr. BLUNT) and I are pleased to join her in this important statement.

Mr. Speaker, I also want to associate myself with the very thoughtful remarks of the gentleman from Iowa (Mr. LEACH) on this issue.

I rise to also thank the gentleman from Missouri (Mr. BLUNT), my friend and counterpart on the Republican side of the aisle, the majority whip, for working with us closely and ensuring that this resolution, which is nothing less than a shared expression of our American values, receives prompt consideration tonight.

Madam Speaker, intolerance based on one's religious belief, ethnicity and race is a poison that has coursed throughout the body of human history, and it has caused untold suffering, pain and strife. This great Nation itself, Madam Speaker, was settled by people who fled religious persecution, and I submit that we, the elected Representatives of the strongest and freest Nation on earth and the progeny of that proud legacy, have a moral responsibility to expose and combat such intolerance and prejudice wherever and whenever it rears its head.

On Thursday, October 16, as has been said, Malaysian Prime Minister Mahathir Mohamad made hateful and repugnant anti-Semitic remarks at the Islamic Summit Conference, and those remarks deserve and demand our condemnation in this resolution today.

Among other things, the Prime Minister stated, ''The Europeans killed 6 million Jews out of 12 million, but today, the Jews rule the world by proxy. They get others to fight and die for them.''

He added that, ''They,'' referring to the Jews, ''have now gained control of the most powerful countries, and they, this tiny community, have become a world power.'' He urged Islamic Nations to unite against being ''defeated

by a few million Jews.'' And throughout his remarks, he referred to Jews as the enemy.

Madam Speaker, these anti-Semitic comments are not simply outrageous and hateful, they are divisive and dangerous. They serve only to foment the destructive lie preyed upon by Hitler and other anti-Semites throughout history, the baseless accusation of a Jewish conspiracy to control the world, to which the gentleman from Iowa (Mr. LEACH) referred to earlier, and we, without question, must emphatically and without reservation, and in the strongest possible terms we can summon, reject these toxic untruths.

But let me add, Madam Speaker, that what is perhaps even more disturbing, as the gentlewoman from Nevada has so correctly pointed out, more disturbing than one man's malignant invective and his ignorance of the Jewish people's persecution today and throughout history, more disturbing is the fact that he received a standing ovation from many of the leaders of Muslim Nations in attendance. Not only as the gentlewoman from Nevada (Ms. BERKLEY) pointed out did they not walk out, they applauded. They applauded approval.

Madam Speaker, that must be unacceptable, not just in this land but throughout the world. Agreeing with or acquiescing in such religious and ethnic bigotry is every bit as dangerous as an incitement to it, and neither the acquiescence nor the incitement can go unchallenged in the civilized world.

As the British politician Edmund Burke wrote more than 200 years ago, ''The only thing necessary for the triumph of evil is for good men to do nothing.'' We must not do that.

I thank the gentlewoman for her time.

Ms. BERKLEY. Madam Speaker, I thank the gentleman from Maryland for those poignant remarks, and I yield 5 minutes to the gentleman from American Samoa (Mr. FALEOMAVAEGA), the ranking member on the Subcommittee on Asia and the Pacific.

(Mr. FALEOMAVAEGA asked and was given permission to revise and extend his remarks.)

Mr. FALEOMAVAEGA. Madam Speaker, I thank the gentlewoman for yielding me the time.

I want to thank the gentlewoman from Nevada (Ms. BERKLEY), my good friend, the gentleman from Missouri (Mr. BLUNT) and the gentleman from Maryland (Mr. HOYER), my good friend, as chief sponsors of this legislation, and I also want to thank my colleague and good friend the gentleman from Iowa (Mr. LEACH), the chairman of our the Subcommittee on Asia and the Pacific of the Committee on International Relations.

Madam Speaker, I rise to lend my support to the provisions of H. Res. 409 to repudiate the comments made recently by Prime Minister Dr. Mahathir Mohamad of the Republic of Malaysia. The prime minister's speech was given on October 16, about 2 weeks ago, at a meeting of the Organization of Islamic Nations. The conference was held in Malaysia and was attended by heads of states and government leaders and other political leaders from some 57 nations whose majority populations are followers of Islam.

Madam Speaker, Prime Minister Mohamad claimed that his speech was taken out of context. So I thought perhaps, in fairness to him, I would read his speech in its entirety, which I did, but I thought perhaps we also needed to examine the Prime Minister's prior statements, this very issue of anti-Semitic, this hatred of the people who are of Jewish ancestry. What I found out was a consistent pattern of anti-Semitic statements.

There was a great article in the Boston Globe written recently by Mr. Jeff Jacoby, who did some research on Prime Minister Mahathir Mohamad's utterances as a political leader of Malaysia. Thirty years ago, Prime Minister Mohamad wrote, ''The Jews are not merely hook-nosed, but understand money instinctively.'' The same Prime Minister, Madam Speaker, described the Jewish people as monsters.

In 1994, this same Prime Minister issued a ban in Malaysia not to show the movie Schindler's List because it showed too much favoritism towards the Jewish people, and in 1997, the same Prime Minister also accused an American businessman, an investor by the name of Mr. George Soros, as the cause of Malaysia's economic instability and currency collapse, specifically citing Mr. Soros as the ''Jew who triggered the currency plunge'' and coincidentally citing that he is Jewish.

Madam Speaker, this is not the first time Prime Minister Mohamad has made hateful and bigoted statements against the Jewish people. How convenient it is for a Muslim political leader like Prime Minister Mohamad to always blame the Jewish people for the failures of Muslim political leaders to solve the many socioeconomic problems that concurrently confront the needs of some 1.3 billion people who are associated with Islam or the Muslim religion.

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Prime Minister Mahathir claims that the Jews rule this world by proxy. I say, in response to such an outrageous statement by the Prime Minister, the contributions over the years by those of the Jewish ancestry have been truly a blessing to our world community. In the fields of medicine, of law and of physics, literature, and social sciences, I need only to mention the name of Dr. Jonas Salk, who discovered the cure for the dreaded disease of polio, the names of Dr. Albert Einstein, Dr. Teller, and Dr. Oppenheimer as the founding fathers of modern nuclear physics and the theory of relativity.

Time will not allow me to elaborate further the many positive contributions made for the benefit of mankind by those in the Jewish community given generously to the world community. Suffice it to say to political leaders like Prime Minister Mahathir, if it was your intention to tell your fellow Muslims that the sacred writings contained in the Koran have been misinterpreted by your own Muslim scholars, and partly the reason why there is so much divisiveness among your own adherers to Islam, then say so; but do not blame the Jewish community for your own failures.

Madam Speaker, I sincerely hope as we contemplate the beginning of this sacred month called Ramadan among the adherents of Islam as a period of fasting and prayer and for greater patience and greater love towards all mankind, which in my humble opinion is the essence and the heart and soul of the religion of Islam as taught by the prophet Mohammed some 400 years ago, I do not believe, Madam Speaker, that Prime Minister Mahathir's statement reflects the real meaning and teachings of Islam.

This resolution will announce to the world that this institution, the Congress of the United States of America, will not tolerate and does not support the Prime Minister's statement. And I also reflect upon statements made earlier by my colleague, that I too remember what was said by Martin Luther King, Jr., years ago: ''At the end, we will not remember the words of our enemies but the silence of our friends.''

Mr. LEACH. Madam Speaker, I yield 2 minutes to my distinguished colleague, the gentleman from Illinois (Mr. KIRK).

Mr. KIRK. Madam Speaker, I thank the chairman for yielding me this time, and I want to raise my voice in opposition to what Prime Minister Mahathir said. He is a racist, a bigot, and an anti-Semite who represents his country very poorly, a country which depends on international trade.

Madam Speaker, let me read some of the names of Malaysian companies who depend on U.S. trade. It is these companies whose livelihoods are now threatened by the remarks of their own Prime Minister: Telekom Malaysia, Maxis, Celcom, Digi, Time dotCom, Jaring, Celcom Berhad, Mimos Berhad, and Proton, all of whose business in the United States is now threatened by the remarks of the Malaysian Prime Minister.

If the Malaysian Prime Minister continues, he threatens Malaysian jobs in Kuala Lumpur, Penang, Seremban, Ioph and Kuching. It is something that he should think very clearly about, understanding that so many people in his country depend on trade with the United States.

We have been very disappointed by this speech and very disappointed also by the reaction of one of our friends in the Middle East, Egypt, and the comments of their foreign minister, who, when he read Prime Minister Mahathir's statement, said, ''I saw nothing controversial in the statement.''

Now, we are subjecting Malaysian exporters to a withering analysis, and their dependence on the U.S. market is now in jeopardy. I would hope that the Government of Egypt would think twice before that same kind of analysis applies to their own exports. For us here, the message should go forth to the Malaysian Government: Your exports are now at risk, and jobs which depend on the U.S. market are in jeopardy. Continue down this road, and you continue down a road of unemployment for Malaysian jobs.

Ms. BERKLEY. Madam Speaker, I yield 30 seconds to the gentlewoman from Guam (Ms. BORDALLO).

Ms. BORDALLO. Madam Speaker, I thank the gentlewoman for yielding me this time, and I rise in support of House Resolution 409. I too want to associate myself with the remarks of my colleagues. We should speak out against anti-Semitic and prejudice comments made by any leader of the world, or anyone for that matter.

Just this past weekend, I met with the Jewish community of Guam and shared with them my wonderful impressions of my recent visit to Israel. Guam is located in the Asia-Pacific area, and I am very concerned, Madam Speaker, with intolerance or any kind of racism in our region of the world.

Ms. BERKLEY. Madam Speaker, I yield myself such time as I may consume, and before I yield time back to the majority to close, I would like to thank the majority whip, the gentleman from Missouri (Mr. BLUNT), the minority whip, the gentleman from Maryland (Mr. HOYER), as well as the gentleman from Virginia (Mr. CANTOR), the gentleman from Iowa (Mr. LEACH), the gentleman from Illinois (Mr. HYDE), and the gentleman from California (Mr. LANTOS) for helping to move this legislation to the floor and helping to ensure its quick passage.

I am pleased this was handled in a bipartisan manner, and I thank my colleagues from both sides of the aisle for their assistance. I also want to thank the gentleman from Illinois (Mr. KIRK) as well.

Madam Speaker, I yield back the balance of my time.

Mr. LEACH. Madam Speaker, I yield myself such time as I may consume. In conclusion, let me first thank the gentlewoman from Nevada for her tremendous leadership on this issue. Second, let me, in a broad way, stress that philosophically the three great monotheistic religions of the world, Christianity, Judaism, and Islam are each rooted in the Ten Commandments. They embrace the Ten Commandments. And the Ten Commandments, above anything else, outline how we should live together in society; and they are doctrines of love and compassion, not hatred and revenge.

One of the things we are all going to have to think through in all societies is how we emphasize what brings us together and not what tears us apart. Fundamentally, what is of deep concern to this body is that a leader of a great Muslim country, a country with which we are very close, a leader who is considered one of the most modern leaders in the Muslim world, has uttered words that, from an American perspective, seem out of context with the times, with good judgment, and with decency.

What we have to emphasize to our friends, as well as to ourselves, is that we are going to have to think through differences in the world in such ways that we can reach compromise, based on a set of feelings that bring us together. Unfortunately, these remarks seem to move in the other direction.

It is extremely unusual—not unprecedented but virtually unprecedented—that the Congress of the United States would deal with a resolution about the words of a head of state of another democracy, a country which we admire, yet we are obligated to do just that today because we want to bring the world together.

So we say to Dr. Mahathir, we hope you repent and think through these words. We also say that we are willing to listen to differences of judgment, but we want to listen to differences of judgment that are based on decency in values, not in intolerance of views. It is this decency of values that we want to emphasize at this time.

Mr. PAUL. Madam Speaker, I rise with great concerns over this legislation—both over its content and what it represents. First, I think it is absurd that the U.S. Congress believes it has the responsibility and authority to rectify the inappropriate statements of individuals in foreign countries. Have we moved beyond meddling in the internal affairs of foreign countries—as bad as that is—to even meddling in the very thoughts and words of foreign leaders and citizens? It is the obligation of the U.S. Congress to correct the ''wrong thoughts'' of others that have nothing to do with the United States? Additionally, is it our place to demand that other sovereign states, such as the members of the European Union, react as we say they must to certain international events?

More troubling than what is stated in this legislation, however, is the kind of thinking that this approach represents. The purpose of this legislation is to punish inappropriate thoughts and speech—to free debate on difficult topics and issues. In this, it contains a whiff of totalitarian thinking. This legislation advances the disturbing idea that condemnatory speech that does not explicitly incite violence is nevertheless inherently dangerous. It asserts that even debating controversial topics inevitably leads to violence. This is absurd on its face: it is only debate that leads us to come to understandings over controversial topics without violence. That is why nations engage in diplomacy.

Those who feel aggrieved over an issue can either broach the issue through discussion and debate or they can attempt to address the grievance through the barrel of a gun. Which is preferable? I think the answer is self-evident. Once persuasion is taken from the realm of possibility, the only approach left to address grievances is violence.

Is the prime minister of Malaysia wrong in his statements? Debate him. Invite him to one of the various multilateral gatherings with someone who disagrees with him and have a debate and discussion over the issue. This approach is much more likely to result in a peaceful resolution of the dispute than what we are doing here: a blanket condemnation and a notice that certain difficult issues are not subject to any inappropriate thoughts or statements. This is chilling for a nation that prides itself on its tradition of protecting even the most distasteful of speech.

Dr. Mahathir has long been known for his statements on the Middle East. His views are no secret. Yet even President Bush, who invited Prime Minister Mahathir to Washington in May, 2003, chose the path of debate over blanket condemnation. President Bush said at a joint press conference that, ''we'll also talk about the Middle East, and I look forward to hearing from the Prime Minister on the Middle East. So we'll have a good discussion.'' Abandoning our beliefs and traditions—especially those regarding the right to hold and express even abhorrent thoughts and ideas—when it comes to our foreign relations is hardly the best way to show the rest of the world the strength of our system and way of life.

A careful reading of the prime minister's speech did not find any explicit calls for violence. Actually, Dr. Mahathir called for Muslims around the world to cease using violence to seek their goals. He stated, ''is there no other way than to ask our young people to blow themselves up and kill people and invite the massacre of more of our own people?'' Also, he advises against ''revenge'' attacks and urges Muslims to ''win [the] hearts and minds'' of non-Muslims including ''Jews...who do not approve of what the Israelis are doing.'' While we may agree or disagree with the cause that Dr. Mahathir espouses, the fact that he calls for non-violent means to achieve his goals is to be commended rather than condemned. This is not to agree with every aspect of his address—and certainly not to agree with some of the ridiculous statements contained therein—but rather to caution against the kind of blanket condemnation that this legislation represents. Do we not also agree with his words that Muslim violence in the Middle East has been counterproductive? President Bush himself in May invited Dr. Mahathir to the White House to, in the president's words, ''publicly thank the Prime Minister for his strong support in the war against terror.''

I strongly believe that we need to get out of the business of threatening people over what they think and say and instead trust that our own principles, freedom and liberty, can win out in the marketplace of ideas over bigotry and hate. When the possibility of persuasion is abandoned, the only recourse for the aggrieved is violence. Haven't we seen enough of this already?

Mr. VAN HOLLEN. Madam Speaker, I rise to strongly condemn the hateful anti-Semitic slurs made by Malaysian Prime Minister Mahathir Mohammad in his October 16 address to the Organization of the Islamic Conference.

In his address, Prime Minister Mohammad called Israel, and I quote, ''the enemy allied with the most powerful nations.'' He also said, and again I quote, that ''the Jews rule the world by proxy'' and that ''the Muslims will forever be oppressed and dominated by the Europeans and the Jews.''

Madam Speaker, there is no place in international diplomacy for this baseless and hateful rhetoric.

World leaders have a great responsibility to avoid the use of such incendiary rhetoric that could incite further hatred or violence against any racial or ethnic minority. This kind of hatred and scapegoating, including the blaming of Jews for all the ills of the Muslim world, has no place in civilized society, especially by elected officials. Words and actions, especially at a conference such as this, have far reaching consequences—they not only have the power to make policy, they have the power to change hearts and minds. To blame Israel and the Jewish people for problems and difficulties experienced by other cultures is wrong and has led to senseless bloodshed and violence, including the atrocities committed by the Nazi regime in the 1930s and 1940s.

These words are especially damaging at a crucial time when the Palestinian people and Israel struggle to reach a lasting peace. Actions that inflame tensions between the Islamic and Jewish worlds serve only to make that struggle become complicated and the all-too-elusive peace more difficult to achieve.

Mr. WAXMAN. Madam Speaker, I rise in strong support of H. Res. 409, which condemns the appalling anti-Semitic remarks made by Malaysian Prime Minister Mahathir Mohamad during his keynote address at the recent Islamic Summit Conference.

Sadly, Dr. Mahathir's remarks were only a culmination of years of bitter anti-Semitic and anti-Israel rhetoric that have been hallmarks of his political career. Only months ago, he handed out the Protocols of the Elders of Zion during his political party's annual meeting. When the Asian financial crisis caused the collapse of the Malaysian currency, Dr. Mahathir often used Jews as scapegoats for political and economic setbacks claiming that they were the result of a Jewish conspiracy. In a 1986 speech he stated that ''the expulsion of Jews from the Holy Land 2,000 years ago and the Nazi oppression of Jews have taught them nothing. If anything at all, it has transformed the Jews into the very monsters that they condemn.''

While Dr. Mahathir's outrageous comments have caused fury in the past, the reaction to this speech by the leaders of the Islamic world dangerously signals the mainstream acceptance of his hateful and extremist views. In the days following the conference Dr. Mahathir's remarks were glorified in the Saudi newspaper Ar-Riyadh, deemed ''brilliant'' by the supposedly moderate President Mohammad Khatami of Iran, affirmed by Afghan President Hamid Karzai, admired by the Foreign Minister of Egypt, and defended by the Foreign Minister of Yemen.

Just as troubling as this effusive praise was the silence that followed from the leaders of most Western European nations. These countries have seen first-hand an alarming rise of anti-Semitic attacks because of the explosion of anti-Semitic hatred and intolerance in European Muslim communities. They lived through the Holocaust and World War II and should know they must not repeat the mistake again of silence and/or participation in anti-Semitism.

Although Dr. Mahathir's reign is thankfully coming to an end, the international community must recognize the pervasive growth of anti-Semitic and anti-Western literature, television shows, and political platforms in Arab and Muslim countries and take action. If not, the world will suffer the consequences for generations to come.

Mr. CROWLEY. Madam Speaker, I rise today in strong support of this resolution. The statements made by the Prime Minister of Malaysia are shocking and show the anti-Semitism that exists around the world and is unfortunately growing at a frightening rate. Even after nations from around the world condemned his remarks, Dr. Mahatir continued to make anti-Semetic statements claiming that our condemnations of his remarks proved his statements to be true. That is just simply ridiculous.

Madam Speaker, his statements only poison the thoughts of people, and incite hatred toward the Jewish people. While I would like to say that his remarks were unusual or surprising, the fact of the matter is that these sort of inflammatory remarks have become standard for the Malaysian Prime Minister. It is truly disheartening that the tremendous economic success of the Malaysian people is being overshadowed by the outrageous comments of its Prime Minister. It is sad but fitting that these forceful comments will be the most recent and strongest of memories of Dr. Mahatir as he begins his retirement.

Mr. TOM DAVIS of Virginia. Madam Speaker, I rise today in support of H. Res. 409, and to join my colleagues in repudiating Dr. Mahathir Mohamad for his recent comments made to the Organization of the Islamic Conference.

It is distressing to me that an individual such as Dr. Mohamad—often portrayed as a moderate Muslim leader—would feel the need to issue what I view as a call to arms to the Muslim world. In doing so, his characterization of Jews as vast cabal that ''rules the world by proxy'' serves no constructive purpose whatsoever. Rather, it merely perpetuates hateful and destructive millennia-old sterotypes that have long made Jewish people scapegoats for any number of societal ills.

I call upon my colleagues to join me in condemning the anti-Semitic comments of Dr. Mohamad, and I echo the language of H. Res. 409 in calling on the European Union to also repudiate these remarks. I thank Mr. BLUNT for his leadership in bringing this timely resolution to the floor, and urge my fellow members to give it their full support.

Ms. JACKSON-LEE of Texas. Madam Speaker, I rise today in support of H. Res. 409 that condemns the anti-Semitic remarks made by outgoing Malaysian Prime Minister Dr. Mahathir Mohamad. As a Member who is actively trying to support understanding between the Islamic world and the West, I am disturbed by the Prime Minister's derogatory comments. There can be no room for anti-Semitic or bigoted speech by any head of state.

The Prime Minister's speech touting the idea that ''Jews rule the world by proxy'' was inappropriate and deserves the reprimand of this body. Such comments cannot be justified; they only serve to fulfill a hateful myth about the Jewish people. Furthermore, his allusion to the Holocaust and the 6 million Jews who died in Europe is deeply disturbing. The fact that the Jewish people survived the horror of the Holocaust should not be looked upon as proof of a global conspiracy, but instead as a story of hope for people who have suffered through oppression.

Prime Minister Mahatir's speech marked the opening of the 57-nation Islamic Summit being held in Malaysia. Had he not made his anti-Semitic remarks, many in this body would have considered his speech monumental. I welcomed his call for Muslims to end the use of suicide bombing. Furthermore, his comments that strict theological interpretations of the Koran had tainted its message showed that he could be a progressive leader. However, any progress made in his speech was crushed by this blatantly anti-Jewish remarks. The Muslim world will not be able to flourish if it holds the Jewish people responsible for all its ills. The Islamic Summit provided an opportunity for Islamic nations to condemn terrorism and open dialogue with the Jewish people; instead Prime Minister Mahathir's speech only furthered ignorance.

The continued dissemination of anti-Semitic rhetoric by leaders of Islamic nations can only weaken the chances for peace between the Palestinians and the Israelis. Comments such as those made by Prime Minister Mahathir taint the minds of both the Palestinians and Israelis. We cannot hope to achieve peace when both sides are continually made to believe they are mortal enemies. Nations such as Malaysia should act as intermediary promoting dialogue and understanding between both the Palestinians and Israelis. This is why it is important that the new Malaysian government distance itself from the comments made by the outgoing prime minister. In fact all Islamic nations need to take this opportunity to condemn all forms of hatred against the Jewish people.

I welcomed President Bush's condemnation of Prime Minister Mahathir's remarks made at the Islamic Summit in Malaysia. However, President Bush must also take this opportunity to censure and reassign Lieutenant General William Boykin for the derogatory remarks he made against Muslims. General Boykin's assertion that this war against terrorism is a war between Christians and Muslims must not be allowed to stand. We must condemn all forms of bigoted speech especially when they are made by a high-ranking member of our military. President Bush must take this action in part to demonstrate to people like Prime Minister Mahathir that their skewed view of the United States is wrong.

It is due to my dismay over Prime Minister Mahathir's speech that I recently signed on to a letter with a number of my colleagues asking him to apologize for his anti-Semitic remarks. Unfortunately, he has not apologized and in fact has defended his outrageous remarks. It is due to this stance that this entire body must support H. Res. 409.

Mr. LEACH. Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mrs. BIGGERT). The question is on the motion offered by the gentleman from Iowa (Mr. LEACH) that the House suspend the rules and agree to the resolution, H. Res. 409.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. LEACH. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further

proceedings on this motion will be postponed.

BASIC PILOT EXTENSION ACT OF 2003

Mr. SENSENBRENNER. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 2359) to extend the basic pilot program for employment eligibility verification, and for other purposes, as amended.

The Clerk read as follows:

H.R. 2359

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Basic Pilot Extension Act of 2003''.

SEC. 2. EXTENSION OF PROGRAMS.

(a) IN GENERAL.—Section 401(b) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1324a note) is amended by striking ''6-year period'' and inserting ''11-year period''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on the date of the enactment of this Act.

SEC. 3. USE OF EMPLOYMENT ELIGIBILITY CONFIRMATION SYSTEM FOR STATUS INQUIRIES BY GOVERNMENT AGENCIES.

(a) IN GENERAL.—Section 642(c) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1373(c)) is amended by adding at the end the following: ''An inquiry described in the preceding sentence may be submitted and responded to using the confirmation system established under section 404.''.

(b) CONFORMING AMENDMENT.—Section 404(h) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1324a note) is amended by adding at the end the following:

''(3) STATUS INQUIRIES BY GOVERNMENT AGENCIES.—Notwithstanding any other provision of this section, the confirmation system may be used to submit, and to respond to, inquiries described in section 642(c). In the case of such an inquiry, citizenship or immigration status information may be provided in addition to the identity and employment eligibility information provided under subsections (b) and (c).''.

SEC. 4. OPERATION OF BASIC PILOT PROGRAM IN ALL STATES.

(a) IN GENERAL.—Section 401(c)(1) of the Illegal Immigration Reform and Immigrant Responsiblity Act of 1996 (8 U.S.C. 1324a note) is amended by striking ''in, at'' and all that follows through the semicolon at the end and inserting ''in all States;''.

(b) CONFORMING AMENDMENTS.—Section 402(c) of the Illegal Immigration Reform and Immigrant Responsiblity Act of 1996 (8 U.S.C. 1324a note) is amended—

(1) in paragraph (2)(B), by striking ''electing—'' and all that follows through ''(ii) the citizen'' and inserting ''electing the citizen''; and

(2) by striking paragraph (3) and redesignating paragraph (4) as paragraph (3).

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Wisconsin (Mr. SENSENBRENNER) and the gentleman from Texas (Mr. HINOJOSA) each will control 20 minutes.

The Chair recognizes the gentleman from Wisconsin (Mr. SENSENBRENNER).

GENERAL LEAVE

Mr. SENSENBRENNER. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and to include extraneous material on H.R. 2359, the bill currently under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

Mr. SENSENBRENNER. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, the Immigration Reform and Control Act of 1986 made it unlawful for employers to knowingly hire or employ illegal aliens and required employers to check the identity and work eligibility documents of all new employees. Unfortunately, illegal aliens have used the easy and cheap availability of counterfeit documents to make a mockery of IRCA. Today's document-based verification system just does not work, and it frustrates employers who do not want to hire illegal aliens, but have no choice other than to accept documents that have a high likelihood of being counterfeit.

In 1996, Congress created a pilot program to help employers verify worker eligibility. Under this program, the employers who elect to participate in the pilot program may submit Social Security numbers and alien identification numbers of newly hired employees to be checked against Social Security Administration and INS records. This weeds out bogus numbers provided by illegal aliens and thus helps to ensure that new hires are genuinely eligible to work.

The pilot program has been a great success over its 6 years of operation. A recent study conducted by the Institute for Survey Research at Temple University, in conjunction with Westat, found that 96 percent of participating employers believe the pilot to be an effective and reliable tool for employment verification; 94 percent believed it to be more reliable than the IRCA- required document check; and 83 percent believed that participating in the pilot reduced uncertainty regarding work authorization. The study recommended the continuation of the pilot.

Several participating employers indicated in a recent letter to the gentleman from Indiana (Mr. HOSTETTLER), the chairman of the Subcommittee on Immigration, Border Security, and Claims of the Committee on the Judiciary, that ''the pilot is the best tool employers have to make sure they are not hiring unauthorized aliens. Employers have embraced the tools granted by Congress and Congress should grant a continuation of the pilot employment verification program.''

H.R. 2359, introduced by the gentleman from California (Mr. CALVERT), would extend the pilot program for an additional 5 years. It would also allow volunteer employers throughout the Nation to participate in the pilot. Currently, the Department of Homeland Security is required to operate the pilot in at least five of the seven States with the highest estimated number of illegal aliens. There is no reason why employers elsewhere in the Nation should not be allowed to participate and reap the same rewards as the current participants.

The study of the pilot found that now is not the time to require all businesses in the United States to participate. However, all this bill does is to open the pilot program to additional volunteer employers. The study explicitly found that ''the Social Security Administration and INS are currently capable of handling'' a nationwide voluntary program. That is all H.R. 2359 does. The study did indicate that the pilot could be improved.

However, as chairman of the Subcommittee on Immigration, Border Security, and Claims will elaborate, in the years since the time the study reviewed the pilot, the INS and the Department of Homeland Security have been successfully making these improvements. At the request of the Department of Homeland Security, H.R. 2359 would also provide that inquires by Federal, State, and local government agencies seeking to verify or ascertain the citizen or immigration status of any individual for any purpose authorized by law may be made using the mechanism of the pilot program.

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Under current law, DHS must already respond to these agencies' request. The bill merely allows DHS to utilize the pilot program in responding. And, the pilot program contains no new databases. It merely relies on current Social Security Administration and Department of Homeland Security records system.

I urge my colleagues to support this bill. This legislation will provide willing employers throughout the Nation the tools they need to hire a legal workforce and comply with the law.

Madam Speaker, I reserve the balance of my time.

Mr. HINOJOSA. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I rise in strong opposition to H.R. 2359, the Basic Pilot Extension Act of 2003. While proponents of this bill claim it is a simple extension of the basic pilot program for employment eligibility verification, this bill actually comes dangerously close to threatening the privacy of U.S. citizens and noncitizens alike.

H.R. 2359 would permit any government agency to use the basic pilot confirmation system to check the immigration or citizenship status of U.S. citizens and immigrants who come within their purview. This would include those who seek drivers' licenses, it would include professional licenses, or any person who is subject to an inquiry of a Federal, State, or local government agency.

My own home State of Texas is one of the sites for the current pilot program. Although the program was set

up with the best of intentions, a recent independent study conducted for the U.S. Department of Justice concluded that the basic pilot program is not ready for larger scale implementation at this time. The study identified problems such as inaccurate and outdated immigration databases. It brought out the civil rights violations by employers and insufficient privacy protections.

Although the program is not supposed to be used as a prescreening mechanism before employment is offered, many employers are basing hiring decisions on these checks. As a result, eligible workers are being denied employment opportunities because an outdated database says they are not eligible to work. The study concluded that these problems could become insurmountable if the program were to be expanded dramatically in scope.

Despite the findings of this study, this bill would expand a flawed program to every State of the Union. I can only conclude that this legislation is a veiled attempt to put in place the mechanism for eventual adoption of a controversial national identification program. The expansion of the pilot program would effectively create a single database, with no privacy protections, that would make it much easier for the government to track its own citizens.

Madam Speaker, it leads me to believe that such a vast invasion of a citizen's privacy must be carefully examined and debated by Congress. However, this broad expansion of government power has been attached to a seemingly benign program extension circumventing any committee hearings or subcommittee markup.

We all agree that we need to find ways to ensure employers hire workers that are legally authorized to work in the United States; however, the Basic Pilot Extension Act does nothing to take us closer to this goal. Instead, this legislation expands a currently imperfect program and creates a new and controversial identification database that could threaten the privacy of all U.S. citizens and immigrants. I urge my colleagues to oppose H.R. 2359.

Madam Speaker, I reserve the balance of my time.

Mr. SENSENBRENNER. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, Halloween is coming up, and I am afraid that the argument used by the gentleman from Texas (Mr. HINOJOSA) is designed to scare people into doing something that this bill does not do. First of all, the bill creates no new databases. The basic pilot program relies on both the Social Security Administration and INS database, and there is nothing added to these databases by this bill whatsoever.

Secondly, the bill does expand this voluntary program nationwide so that employers in other States may volunteer to participate in the verification of employment eligibility. Because the problem of illegal aliens taking jobs away from Americans is a problem that exists in more than the 45 States that are not covered by this program, there is nothing wrong with giving these employers the opportunity to volunteer to participate in the program.

Thirdly, the gentleman from Texas (Mr. HINOJOSA) seems to argue against this legislation in that it will allow government agencies to be able to find out the employment and Social Security status and immigration status of people whose names are in an existing database.

The only change in the law is to allow the other government agencies to utilize the pilot program database, which contains information that is already available to the other government agencies through existing law. I think if anybody is to be scared by this bill, it is people who are trafficking in illegal and counterfeit documents which will be the sole source of employment verification should this bill go down and the pilot program be allowed to expire.

Madam Speaker, I yield such time as he may consume to the gentleman from Indiana (Mr. HOSTETTLER).

Mr. HOSTETTLER. Madam Speaker, I want to emphasize two points about the Basic Pilot Extension Act of 2003. First, employers participating in the pilot program find it of immense help in the day-to-day operations of their businesses.

Second, despite some of what we have heard today already, the pilot is working extraordinarily well and will only get better in the future. The report commissioned by the INS to evaluate the program found that ''an overwhelming majority of employers participating found the basic pilot program to be an effective and reliable tool for employment verification.''

Participating employers appreciate the pilot because it reduces uncertainty. The pilot ensures that their operations will not be disrupted by the mass dismissal of employees after the Department of Homeland Security or the Social Security Administration questions the status of their employees. The pilot ensures that they will not be put in a position of hiring illegal aliens, investing hundreds or thousands of hours in training them, and then losing the benefits of this investment years down the road when they are forced to dismiss illegal aliens who were employees.

As Paul Weyrich has said in support of this bill, ''If we are really serious about enforcing the immigration laws we have on the books, then we must provide the means for employers to quickly determine the validity of the documents with which they are presented. The way the pilot program works is simple and reflects plain common sense.''

The report indicated that the pilot program could be improved in a few areas. Some employers had taken adverse actions against new employees tentatively found ineligible to work, and INS databases had to be improved, especially in the context of adding data for persons recently issued a work authorization document and for new immigrants and refugees. However, remember that the report evaluated operations of the pilot in the 1990s. Since that time, INS and now the Department of Homeland Security have been actively making any needed improvements. DHS believes there has been ''an overwhelming improvement in the timeliness of data entry, particularly in response to the events of September 11.''

In fact, DHS now requires that all new data regarding an immigrant be entered into the system within 3 days and all new information regarding temporary visitors be entered within 14 days. As to employer responsibilities, ''greater emphasis on pilot procedures has been added to training materials, and safeguards have been added to pilot software to increase compliance with required procedures. For instance, employers will be required to certify that they have talked with their employees and advised them of their rights if they cannot immediately be confirmed.''

Finally, DHS reports that the soon to be implemented Internet-based version of the pilot will greatly reduce or eliminate any remaining problems.

In only about 4 percent of total cases did new hires contact the Social Security Administration or INS to resolve problems with their work authorization status. Of those employees who did contact the government, 99 percent were found to be work-authorized. Thus, employees who carried out their obligations under the verification system, as it is today, were almost always found to be work-authorized. It is not the verification system's fault when a new hire is tentatively found ineligible to work, and then that new hire fails to contact the Social Security Administration or the Department of Homeland Security. It most likely means the employee does it because he or she knows they are ineligible.

Madam Speaker, all this bill does is give willing employers nationwide the voluntary opportunity to benefit from the pilot program just the way participating employers have been benefiting for the last 6 years. I urge my colleagues to vote for H.R. 2359.

Mr. HINOJOSA. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, the gentleman from Wisconsin (Mr. SENSENBRENNER) just said that this bill does not create a new database, and I disagree with the gentleman. I disagree with the gentleman, and for the first time since I have been in Congress do I agree with the organizations called Americans for Tax Reform and the American Conservative Union.

In their report to H.R. 2359, they say that the Basic Pilot Extension Act of 2003, that the undersigned organizations write to ask Members to vote

against H.R. 2359 because this bill puts in place the mechanism for eventual adoption of a national identification system.

They say, perhaps more importantly, section 3 of this proposed bill establishes the precursor of a national identification system by amalgamating data of citizens and immigrants into what is effectively a single database that would be used for multiple purposes.

It is quite interesting if it is not going to do what the gentleman says, why they do not just put it through the regular process and let the committees debate it and discuss it and vote on it in committee instead of attaching it to another bill. All of this to say that it is alarming to see what is being done here by a group that is circumventing the process that has worked here for years and years in the House of Representatives.

Madam Speaker, I reserve the balance of my time.

Mr. SENSENBRENNER. Madam Speaker, I yield 3 minutes to the gentleman from California (Mr. CALVERT).

Mr. CALVERT. Madam Speaker, I rise in support of H.R. 2359, the Basic Pilot Extension Act of 2003. The basic pilot employment verification system is the only system offered to employers to verify employment eligibility for new employees.

In 1994, I spoke with a Border Patrol agent who identified a key need in the enforcement of immigration laws: Employers need a simple and reliable tool to verify the worker status of new employees.

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In response, I introduced a bill to create the basic pilot program to do just that, operate in six of the most problematic States on a voluntary basis. The basic pilot program has proven to be an overwhelming success.

The basic pilot program is the best tool available for employers to comply with immigration laws which prohibit hiring undocumented immigrants. Recently, a contract cleaning service for Wal-Mart was raided by the Bureau of Immigration and Customs Enforcement and over 250 employees were arrested. If Wal-Mart's cleaning service contractors had used the basic pilot program and verified the I–9 documents provided by their workers, this could have been avoided. We must provide companies the option of using this employment verification program and assist them in complying with Federal immigration law. Without this system, employers have no means of verifying legal work status for immigrants, causing many employers to discriminate against legal workers. This program gives employers the confidence to hire legal immigrants, reducing discrimination in the workplace.

Additionally, H.R. 2359 allows employers from any State to voluntarily use this program. Many of my colleagues expressed concerns that this will expand the program too far, too fast. The reality is that the current program States are home to 80 percent of illegal immigrants, which means the impact on the system will be relatively small. After 7 successful years, it is time to give all employers the option of verifying their workforce and avoiding entanglements with Immigration and Customs Enforcement.

As a former restaurant owner, I tried to do the right thing. When I filed those forms, that I–9, and put two identifications in the back of that form, I hoped that they were legal. But many times you cannot tell the difference. The only chance that an employer has today to try to do the right thing is verifying the legitimacy of that Social Security number against the name of the potential employee that is coming in for employment. This is the only way they can do it, Madam Speaker. If we take this away, there will be no other options for employers.

I thank the gentleman from Wisconsin (Mr. SENSENBRENNER) and the gentleman from Indiana (Mr. HOSTETTLER) for their work on this important bill. I hope that we keep this program intact in this country. We need it desperately as employers.

Mr. HINOJOSA. Madam Speaker, I am pleased to yield 5 minutes to the gentleman from California (Mr. BERMAN), ranking member of the Subcommittee on Courts, the Internet, and Intellectual Property.

Mr. BERMAN. Madam Speaker, I rise in opposition to H.R. 2359. I think it is important to point out a few facts. First of all, the people on this side of the aisle would be speaking in favor of this bill if it were simply to extend the sunset date on this pilot program to allow the pilot program to continue to work out the weaknesses and deficiencies that the INS study found in the program.

But this program does far more than that. This program goes from a pilot program in 5 States to a nationwide program. While my friend from California, the sponsor of the bill, may be correct, although I am not quite sure how he knows where 80 percent of the illegal immigrants are located, but let us assume that for a second the fact is 80 percent of the employers are not located in those 5 States. This is a massive expansion of the pilot program.

In 1996, we created the pilot program. In the law in 1996 we told the INS to get people to study how the program was working. The INS went and did that. They commissioned two different groups, organizations, to study the program and what was happening with those employers who were voluntarily participating. The study came back. What did the study say? The study said, based on the evaluation findings, the basic pilot program should not be expanded to a mandatory program, and this does not do that, or a large-scale program. I would suggest that opening it up to every employer in America on a voluntary basis constitutes that kind of large-scale expansion which the study commissioned by the INS and required by the Congress said we should not do.

Why did they say that? They talked about the problems and the deficiencies in this program. It would have been nice if the Immigration Subcommittee of Judiciary had had a hearing on this bill where the authors of the study could have come forward and answered questions and developed it; but we had no hearing, we had no markup, the bill was taken directly to a markup in the full committee and put on the floor, not with a rule to allow amendments to address specific deficiencies in the operation of this pilot program, not with a rule that allowed any kind of amendments, but on suspension where no amendments can be made.

What the study found about the program, I think, is very important. The program was hindered by inaccuracies, inaccuracies and outdated information in the INS databases. The program did not consistently provide timely immigration status data which delayed the confirmation of a worker's employment authorization in one-third of the cases. The employer has decided to hire somebody. He participates in this program. He asks Social Security and INS to verify that person. In one-third of the cases he does not get an answer and then does not hire that person but goes to another person. A person who was fully authorized to work, who was in this country legally, is denied a job because of inaccuracies and a slow-to-respond operation from the INS and the Social Security Administration.

A sizable number of workers who were not confirmed, who were rejected, it turned out were work authorized, but there was something wrong in the processing of their papers. There was a mistake in the database. When they went out and checked who these people were, it turned out well over 42 percent of the sample that they used were work-authorized, but were told by the people operating the pilot program that they were not. Forty-two percent of that sample did not get a job. In some cases, the employer did not follow the rules and the guidelines of the pilot program. In other words, the program was riddled with deficiencies.

Theoretically, I have to say, if we could get an accurate, quick employee identification system where employers could know they were getting accurate information and workers who were authorized to work in this country, who were here legally, who had a right to work could get the right answer, then I would say let us talk about expansion and let us pursue that by continuing this program. But I urge this body to reject an effort to expand this nationwide to add not simply employers but State, local and Federal Government agencies to the list of people who will be using a program when that program by the INS's own study was riddled with deficiencies and weaknesses which

delayed responses, which kept people who are here legally from getting jobs or rights they would otherwise get, or be entitled to get simply because of inaccuracies in the database. This is not the kind of a program to expand at this time.

I urge a ''no'' vote.

Mr. HINOJOSA. Madam Speaker, I yield myself such time as I may consume. I agree with much of what the gentleman from California pointed out.

I want to summarize my comments and say that this bill provides for the extension and expansion of a program to verify if employees are legally authorized to work in the U.S. But we have Representatives on both sides of the aisle who oppose this bill because it expands this current pilot program to all 50 States, when today the pilot program is currently covering only six States. That includes California, Texas, Florida, New York, Illinois, and Nebraska. They are the ones who have these pilot programs. This legislation would allow all the States then to have access to what is existent right now in the database.

Again, I urge my colleagues to vote ''no'' on H.R. 2359.

Madam Speaker, I yield back the balance of my time.

Mr. SENSENBRENNER. Madam Speaker, I yield myself the balance of my time.

Madam Speaker, I think we ought to put this legislation into its proper perspective. First, yes, this bill expands the pilot program voluntarily to the 44 States where employers cannot get this information. But it is a voluntary program, and only those employers who choose to participate will participate. No employer will be forced to participate under this piece of legislation either in the 44 new States that are opened up or in the six existing States.

Secondly, there is nothing in this bill that expands the database or which is the precursor for a national identification card. Nothing whatsoever. I personally am strongly opposed to a national ID card and will not support any legislation that establishes a national ID card either through the front door or through the back door.

Thirdly, this legislation allows State and local governments to use the basic pilot program to access information that they can get from the Department of Homeland Security or the Social Security Administration through other means. It just makes it easier when a State and local government needs to get this information for them to get it. If we do not include this change in the law, then a private sector employer will be able to get the information in a much easier manner than our State and local governments. That does not make any sense at all.

Finally, let us look at what will happen if this bill is voted down. The basic pilot program will expire next month in the six States that have been using it for the last 6 years. That means that when it expires, those employers that have been using the basic pilot program for verification of the legal employment status of those people that they wish to hire will be forced to go back to paper documents. There are a lot of counterfeit paper documents out there. You can get them on the Internet, and you can get them on the street corner. But now in the State of California, an illegal alien can get a driver's license, which is one of the documents that is acceptable for employment verification status under the Immigration Reform Act of 1986. Thus, even a legitimate California driver's license would not verify the employment status of someone who presents that document, whether that person be a U.S. citizen, a permanent resident alien who has employment status, or an illegal alien who obtained a legal California driver's license as a result of the law that was signed by Governor Davis just a few weeks ago.

If this bill is voted down, we would go back to the bad old system of using documents as the exclusive way of establishing an applicant for a job's legal ability to be able to get that job under our immigration law. That would be a terrible tragedy.

I urge an ''aye'' vote.

Mr. UDALL of Colorado. Madam Speaker, I cannot vote for this bill in the manner in which it has been brought to the floor.

The Basic Pilot program was intended to streamline the process of identifying employees eligible for work in the United States. Though the Basic Pilot program has been successful for many employers in the six participating States, there are enough serious questions about its workings that I do not believe it is ready to be implemented in all fifty States.

The bill will open up the database used in this program to all government agencies, including local and state governments. This is far more than a simple extension. There are no privacy protections for individuals in this bill. The database can be used for a plethora of reasons, not limited to the verification for employment by local, State, and federal governments across the country. This will open the door to abuse.

The database has proven to have out of date information specifically in regard to visa status. Before this program is used nationwide it is imperative that the system be purged of these inaccuracies. This poses threats that both hinder a person's legal ability to work, as well as allow ineligible individuals to obtain employment.

The program itself is not the issue at hand. The intentions of the Basic Pilot program are good for employers, employees and our economy in general. It modernizes and speeds the ability of Americans to start working. However, these intentions are fruitless if the program is not effective or efficient. Before we open this program up to the rest of the country we must ensure that it is free of the kinks that have come up since its beginning. Then and only then, should this system be available for employers throughout the country.

This bill clearly goes beyond a simple extension. It is controversial. The Basic Pilot Extension Act deserves hearings, debates, and amendments to be offered. Thus, I must vote against suspending the rule and passing this bill and I urge my colleagues to do the same so that H.R. 2359 can be considered under normal procedures.

Ms. LINDA T. SÁNCHEZ of California. Madam Speaker, I rise in opposition to The Basic Pilot Extension Act of 2003 (H.R. 2359) and urge all of my colleagues to vote against this bill.

The Basic Pilot Program is a new, more reliable way for employers to verify that employees are legally eligible to work in the United States. I support the Basic Pilot Program and I support an extension of the program for an additional five years.

However, I oppose the Basic Pilot Extension Act because this bill goes well beyond just extending the program for an additional five years.

This bill makes the Basic Pilot Program a national employee verification system available in all 50 states. Currently, the Basic Pilot Program is being tested in only 6 states so that flaws in the program can be addressed. Those flaws were detailed in a report by the Institute for Survey Research at Temple University. The report concluded that the Basic Pilot Program is not ready for larger-scale implementation at this time, and that the Program should remain available in only 6 states until the many problems with the program are addressed.

The problems described in the report include inaccurate and outdated information in the INS databases used to verify employment eligibility. The report also describes problems with the reliability of the training and system software, hardware, and telephone systems used in the Basic Pilot Program. The report also described how employees had their privacy violated, were not fully informed of their rights under the Basic Pilot Program, and that employers failed to submit forms in the required time deadlines.

Despite these problems and despite the explicit recommendation of the Institute for Survey Research for needed improvements, this bill expands the Basic Pilot nationwide and includes provisions that go well beyond merely verifying employment eligibility.

This bill adds a new provision that allows federal, state, or local governments, not employers, to use the pilot program to access the databases to obtain citizenship and immigration status information on anyone for any reason they wish. This includes both citizens and non-citizens, and unlike other regulations that control the use of federal databases, there are no limitations that protect the employees against discrimination, privacy violations, or other misuse. This new provision is very close to the establishment of a national register of all immigrants or a national identification card program.

Madam Speaker, the Basic Pilot Extension Act should be opposed for all of the reasons I have described. Another serious concern is that the Judiciary Committee did not hold any hearings on the changes to the information sharing provisions of this bill, and the Subcommittee on Immigration did not consider this bill at all. The Basic Pilot Extension Act of 2003 will threaten the privacy of all Americans and is riddled with flaws. I urge all of my colleagues to oppose this bill.

Mr. REYES. Madam Speaker, I rise today in opposition to H.R. 2359, the Basic Pilot Extension Act. The existing Basic Pilot Verification

Program assists employers in verifying the authenticity of new employee's eligibility information. The program operates in six States, including my state of Texas. Authorization for the program expires next month.

The bill before us today would go a great deal further than extending the pilot program in its current form. It would expand the program to all 50 states, despite the fact that a recent Immigration and Naturalization Service-funded report concluded that the Basic Pilot Program is not ready for nationwide implementation. The report cited concerns about invasions of privacy and factual inaccuracies. We need to address these problems before we extend the program to the rest of the United States.

Also, the bill expands the program beyond the area of employment, allowing any government agency to use the system to verify the immigration status of any individual for any purpose authorized by law. Expanding the program in this way would only magnify privacy concerns with the current Basic Pilot Program.

Finally, it is unfortunate that this bill is being brought before the House under suspension of the rules. Legislation of this magnitude requires far more than careful consideration that we have been afforded the time to have here today.

Madam Speaker, for all of these reasons, I urge my colleagues to vote no on H.R. 2359, the Basic Pilot Extension Act.

Mr. BACA. Madam Speaker, I rise in opposition of H.R. 2359, the Basic Pilot Extension Act. H.R. 2359 will create a new and controversial identification database that will threaten the privacy of all Americans.

The program allows employers to verify the legal status of newly hired employees by using immigration databases. Although well intentioned, the program is severely flawed. Over 40 percent of the employees denied by this program, were authorized to work. We need a program that works, not one that unjustly denies families the ability to put food on the table.

Some employers that have used this program as a screening tool, have not allowed workers to contest incorrect information, and have even refused to let employees know of their rights under the program.

Madam Speaker, the information being reported by this database is flawed and it is a result of the inaccurate and outdated information contained in the databases of the Bureau of Citizenship and Immigration Services. We cannot continue to support a program that denies workers the ability to earn a living just because a computer in Washington, D.C. has bad information. But, the most troubling part of this bill is that it allows any local or state government to look up the immigration status of any American citizen or immigrant for virtually any reason.

It is clear that H.R. 2359 will place all workers, and especially minority and immigrant workers, at risk of discrimination, mistreatment and labor rights violations. Immigration experts, civil rights advocates, and even a Congressionally mandated study of the program all say that—the Basic Pilot should not expand nationwide.

Madam Speaker, I urge my colleagues to oppose this legislation.

Mr. SHERMAN. Madam Speaker, today H.R. 2359, the Basic Pilot Extension Act, was brought to this floor on the suspension calendar. The suspension calendar should be used to pass bills which are not controversial. Given the issues involved with this legislation, the leadership should not have brought this bill to the floor as a ''suspension.'' This is but the most recent example of abuse of the suspension calendar during the 108th Congress.

Ms. WOOLSEY. Madam Speaker, I rise in opposition to the H.R. 2359, The Basic Pilot Extension Act, because this program has not demonstrated a record strong enough to be extended across the country. I know first hand that this pilot program has not lived up to its expectations because my home state of California is one of the test areas.

Madam Speaker, as you know, many employers in the counties I represent, Marin and Sonoma counties, just over the Golden Gate Bridge from S.F, depend on immigrant workers to staff their vineyards, dairies and businesses. I certainly support providing employers the tools they need to hire only those workers authorized to work in the United States. While the intent of this pilot program was a good one, it has not lived up to its promises. Now it is plagued with problems including new hires being denied by the program when they were actually authorized to work and employers abusing the program to engage in prohibited employment practices. These anti-worker practices include pre-employment screening, denying eligible workers jobs or the opportunity to contest inaccuracies in the database. Creating more loopholes for bad employers to conduct unfair labor practices was not the intent of this pilot project.

Madam Speaker, until these and other abuses are fixed, we should not be quick to expand the program. That's why I am asking my colleagues to join me in opposing this legislation, so that we can that the basic pilot program is friendly to workers as well as employers before expanding the program.

Mr. BEREUTER. Madam Speaker, this Member rises in strong support of H.R. 2359, the Basic Pilot Extension Act of 2003. This Member, who is a co-sponsor of the measure, would like to thank the distinguished gentleman from California (Mr. CALVERT) for introducing the measure and the distinguished gentleman from Wisconsin (Mr. SENSENBRENNER), the Chairman of the Judiciary Committee, for his efforts in bringing H.R. 2359 to the Floor.

Under H.R. 2359, the Basic Pilot Program, which is an employment verification program, would be extended through 2008 and, indeed, would expand access to the program for the entire U.S.

Madam Speaker, the Immigration Reform and Control Act (IRCA) of 1986 correctly prohibited employers from knowingly hiring illegal aliens or people with non-immigrant visas. Unfortunately, at that time, Congress did not give employers the corresponding tools with which to comply with this Act.

For example, due to concerns regarding discrimination, employers are limited in the questions they may ask of potential employees to verify if those individuals are authorized to work in the U.S. If the employment verification documents that potential employees produce appear to be legitimate, then employers must accept the documents as legitimate without further inquiry of the potential employee.

During Immigration and Naturalization Service (INS) enforcement raids, certain employers were found to have hired large numbers of illegal aliens, either knowingly or unintentionally, and subsequently they were subject to penalties. As technology has progressed to allow for the cheap and quick production of legitimate-looking fraudulent documents, the inability of employers to distinguish between valid documents and fraudulent documents has significantly increased. It became clear that businesses dedicated to complying with the IRCA needed new tools to assist with the endeavor.

When the Illegal Immigration Reform and Immigrant Responsibility Act (IIRIRA) of 1996 was enacted, it authorized the creation of three employment verification tools, including the Basic Pilot Program. Initially, employers in California, Florida, Texas, Illinois, Florida, New York, and Iowa could voluntarily use the Basic Pilot Program to compare the information received from potential employees with Immigration and Naturalization Service (INS) databases to determine if potential employees could be employed legally in the U.S.

Madam Speaker, throughout the 1990's, many legal immigrants and illegal aliens moved to Nebraska seeking jobs in the meatpacking industry. Subsequently, this Member began to receive contacts from businesses in his district concerned about their capacity to comply with the IRCA. Therefore, on November 30, 1999, this Member joined his House and Senate colleagues in the Nebraska Congressional Delegation in a letter to then-INS Commissioner Doris Meissner requesting the extension of the Basic Pilot Program to Nebraska. This Member continues to firmly believe that providing Nebraska businesses with the tools to hire a legal workforce is an important component in maintaining a stable economy in the state and in meeting needs to effectively enforce immigration laws in this country's interior. On March 19, 1999, the U.S. Department of Justice granted Nebraska businesses access to the Basic Pilot Program. Currently, about eight Nebraska businesses actively utilize the program.

Madam Speaker, for Congress to allow the Basic Pilot Program to lapse following the horrific and unspeakable terrorist attacks of September 11, 2001, would demonstrate true negligence. More than ever, the U.S. must fully enforce its immigration laws to protect its citizens from future attacks. In its capacity to identify document fraud and illegal aliens, the Basic Pilot Program can indeed play a role in the fight against terrorism.

In conclusion, this Member encourages his colleagues to vote for H.R. 2359.

Mr. OSBORNE. Madam Speaker, I am pleased to be an original cosponsor of H.R. 2359, the Basic Pilot Extension Act of 2003, which passed the House Judiciary Committee on September 24, 2003. The Basic Pilot Verification Program is a voluntary program that employers use in conjunction with the Bureau of Immigration and Citizenship Services (BCIS) and the Social Security Administration (SSA) to confirm employment eligibility in my home State of Nebraska, among others. This pilot, which started in November 1997, involves verification checks of the SSA and the BCIS databases of all newly hired employees regardless of citizenship. Unfortunately, the Basic Pilot program is scheduled to terminate on November 30 of this year.

The agricultural economy of Nebraska's Third District relies heavily on immigrant labor. Employers across my district have told me

that they want to comply with the Immigration Reform and Control Act of 1986, which made it unlawful for employers to knowlingly hire or employ aliens not eligible to work, and required employers to verify documents of new workers. However, a simply visual check of these documents by employers will not tell them if these are in fact counterfeit documents, and that this potential new hire is in fact an illegal alien.

I have heard from many business people in the Third District about their need for the Basic Pilot program. Employers need the appropriate tools to ensure that they are indeed hiring eligible workers. By checking the new hire's documents against the BCIS and SSA databases, the Basic Pilot program allows employers to feel more confident about their new hire.

H.R. 2359 will extend the Basic Pilot program for employers in Nebraska and all other states for five years. I thank my colleague, Representative CALVERT, for introducing this much needed extension, and I urge all my colleagues to support H.R. 2359.

Mr. SMITH of Texas. Madam Speaker, the Basic Pilot Program was originally authorized in the 1996 Immigration Act. It allows employers in six states to verify the validity of the Social Security numbers of new hires. H.R. 2359 reauthorizes this program, and expands it to allow employers in all fifty states to voluntarily participate in the Basic Pilot Program.

The program offers employers the opportunity to ensure that the individuals they hire are eligible to work in the United States. Illegal immigrants drive down wages and take jobs from American workers. Recent studies show immigration has depressed the wages of American workers by more than $2,500 per year. Our education systems spend millions of dollars educating illegal immigrant children. And hospitals spend millions of dollars providing health care to illegal aliens.

Ninety percent of the American people believe that we should reduce illegal immigration. Seventy-nine percent of individuals polled recently agree that the Federal government should require employers to verify the work status of potential employees.

The main attraction for the 10 to 20 million illegal aliens who have crossed our borders is work. If we want to stop illegal immigration—and its negative impacts—we must reduce the availability of jobs for illegal aliens. This pilot program combats illegal immigration because it allows employers to make sure they are hiring someone who is eligible to work in the United States.

Everyone who is concerned about lost jobs and unemployment should support the expansion of the Basic Pilot Program. If we are serious about saving jobs for citizens and legal immigrants, we should pass H.R. 2359.

Mr. SENSENBRENNER. Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mrs. BIGGERT). The question is on the motion offered by the gentleman from Wisconsin (Mr. SENSENBRENNER) that the House suspend the rules and pass the bill, H.R. 2359, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. HINOJOSA. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

CONFERENCE REPORT ON H.R. 2691, DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS ACT, 2004

Mr. YOUNG of Florida (during consideration of H.R. 2359) submitted the following conference report and statement on the bill (H.R. 2691) making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2004, and for other purposes:

CONFERENCE REPORT (H. REPT. 108–330)

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 2691) ''making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2004, and for other purposes'', having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate, and agree to the same with an amendment, as follows:

In lieu of the matter stricken and inserted by said amendment, insert:

That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Department of the Interior and related agencies for the fiscal year ending September 30, 2004, and for other purposes, namely:

TITLE I—DEPARTMENT OF THE INTERIOR

BUREAU OF LAND MANAGEMENT

MANAGEMENT OF LANDS AND RESOURCES

For necessary expenses for protection, use, improvement, development, disposal, cadastral surveying, classification, acquisition of easements and other interests in lands, and performance of other functions, including maintenance of facilities, as authorized by law, in the management of lands and their resources under the jurisdiction of the Bureau of Land Management, including the general administration of the Bureau, and assessment of mineral potential of public lands pursuant to Public Law 96–487 (16 U.S.C. 3150(a)), $850,321,000, to remain available until expended, of which $1,000,000 is for high priority projects, to be carried out by the Youth Conservation Corps; $2,484,000 is for assessment of the mineral potential of public lands in Alaska pursuant to section 1010 of Public Law 96–487; (16 U.S.C. 3150); and of which not to exceed $1,000,000 shall be derived from the special receipt account established by the Land and Water Conservation Act of 1965, as amended (16 U.S.C. 460l–6a(i)); and of which $3,000,000 shall be available in fiscal year 2004 subject to a match by at least an equal amount by the National Fish and Wildlife Foundation for cost-shared projects supporting conservation of Bureau lands; and such funds shall be advanced to the Foundation as a lump sum grant without regard to when expenses are incurred; in addition, $32,696,000 is for Mining Law Administration program operations, including the cost of administering the mining claim fee program; to remain available until expended, to be reduced by amounts collected by the Bureau and credited to this appropriation from annual mining claim fees so as to result in a final appropriation estimated at not more than $850,321,000; and $2,000,000, to remain available until expended, from communication site rental fees established by the Bureau for the cost of administering communication site activities: Provided, That appropriations herein made shall not be available for the destruction of healthy, unadopted, wild horses and burros in the care of the Bureau or its contractors.

WILDLAND FIRE MANAGEMENT

For necessary expenses for fire preparedness, suppression operations, fire science and research, emergency rehabilitation, hazardous fuels reduction, and rural fire assistance by the Department of the Interior, $792,725,000, to remain available until expended, of which not to exceed $12,374,000 shall be for the renovation or construction of fire facilities: Provided, That such funds are also available for repayment of advances to other appropriation accounts from which funds were previously transferred for such purposes: Provided further, That persons hired pursuant to 43 U.S.C. 1469 may be furnished subsistence and lodging without cost from funds available from this appropriation: Provided further, That notwithstanding 42 U.S.C. 1856d, sums received by a bureau or office of the Department of the Interior for fire protection rendered pursuant to 42 U.S.C. 1856 et seq., protection of United States property, may be credited to the appropriation from which funds were expended to provide that protection, and are available without fiscal year limitation: Provided further, That of the funds provided, $99,000,000 is to repay prior year advances from other appropriations from which funds were transferred for wildfire suppression and emergency rehabilitation activities: Provided further, That this additional amount is designated by the Congress as an emergency requirement pursuant to section 502 of H. Con. Res. 95 (108th Congress), the concurrent resolution on the budget for fiscal year 2004: Provided further, That using the amounts designated under this title of this Act, the Secretary of the Interior may enter into procurement contracts, grants, or cooperative agreements, for hazardous fuels reduction activities, and for training and monitoring associated with such hazardous fuels reduction activities, on Federal land, or on adjacent non-Federal land for activities that benefit resources on Federal land: Provided further, That the costs of implementing any cooperative agreement between the Federal Government and any non-Federal entity may be shared, as mutually agreed on by the affected parties: Provided further, That notwithstanding requirements of the Competition in Contracting Act, the Secretary, for purposes of hazardous fuels reduction activities, may obtain maximum practicable competition among: (A) local private, nonprofit, or cooperative entities; (B) Youth Conservation Corps crews or related partnerships with state, local, or non-profit youth groups; (C) small or micro-businesses; or (D) other entities that will hire or train locally a significant percentage, defined as 50 percent or more, of the project workforce to complete such contracts: Provided further, That in implementing this section, the Secretary shall develop written guidance to field units to ensure accountability and consistent application of the authorities provided herein: Provided further, That funds appropriated under this head may be used to reimburse the United States Fish and Wildlife Service and the National Marine Fisheries Service for the costs of carrying out their responsibilities under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) to consult and conference, as required by section 7 of such Act in connection with wildland fire management activities: Provided further, That the Secretary of the Interior may use wildland fire appropriations to enter into non-competitive sole source leases of real property with local governments, at or below fair

market value, to construct capitalized improvements for fire facilities on such leased properties, including but not limited to fire guard stations, retardant stations, and other initial attack and fire support facilities, and to make advance payments for any such lease or for construction activity associated with the lease: Provided further, That the Secretary of the Interior and the Secretary of Agriculture may authorize the transfer of funds appropriated for wildland fire management, in an aggregate amount not to exceed $12,000,000, between the Departments when such transfers would facilitate and expedite jointly funded wildland fire management programs and projects: Provided further, That funds provided for wildfire suppression shall be available for support of Federal emergency response actions.

CENTRAL HAZARDOUS MATERIALS FUND

For necessary expenses of the Department of the Interior and any of its component offices and bureaus for the remedial action, including associated activities, of hazardous waste substances, pollutants, or contaminants pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act, as amended (42 U.S.C. 9601 et seq.), $9,978,000, to remain available until expended: Provided, That notwithstanding 31 U.S.C. 3302, sums recovered from or paid by a party in advance of or as reimbursement for remedial action or response activities conducted by the Department pursuant to section 107 or 113(f) of such Act, shall be credited to this account, to be available until expended without further appropriation: Provided further, That such sums recovered from or paid by any party are not limited to monetary payments and may include stocks, bonds or other personal or real property, which may be retained, liquidated, or otherwise disposed of by the Secretary and which shall be credited to this account.

CONSTRUCTION

For construction of buildings, recreation facilities, roads, trails, and appurtenant facilities, $13,976,000, to remain available until expended.

LAND ACQUISITION

For expenses necessary to carry out sections 205, 206, and 318(d) of Public Law 94–579, including administrative expenses and acquisition of lands or waters, or interests therein, $18,600,000, to be derived from the Land and Water Conservation Fund and to remain available until expended.

OREGON AND CALIFORNIA GRANT LANDS

For expenses necessary for management, protection, and development of resources and for construction, operation, and maintenance of access roads, reforestation, and other improvements on the revested Oregon and California Railroad grant lands, on other Federal lands in the Oregon and California land-grant counties of Oregon, and on adjacent rights-of-way; and acquisition of lands or interests therein, including existing connecting roads on or adjacent to such grant lands; $106,672,000, to remain available until expended: Provided, That 25 percent of the aggregate of all receipts during the current fiscal year from the revested Oregon and California Railroad grant lands is hereby made a charge against the Oregon and California land-grant fund and shall be transferred to the General Fund in the Treasury in accordance with the second paragraph of subsection (b) of title II of the Act of August 28, 1937 (50 Stat. 876).

FOREST ECOSYSTEMS HEALTH AND RECOVERY FUND

(REVOLVING FUND, SPECIAL ACCOUNT)

In addition to the purposes authorized in Public Law 102–381, funds made available in the Forest Ecosystem Health and Recovery Fund can be used for the purpose of planning, preparing, implementing and monitoring salvage timber sales and forest ecosystem health and recovery activities, such as release from competing vegetation and density control treatments. The Federal share of receipts (defined as the portion of salvage timber receipts not paid to the counties under 43 U.S.C. 1181f and 43 U.S.C. 1181f–1 et seq., and Public Law 106–393) derived from treatments funded by this account shall be deposited into the Forest Ecosystem Health and Recovery Fund.

RANGE IMPROVEMENTS

For rehabilitation, protection, and acquisition of lands and interests therein, and improvement of Federal rangelands pursuant to section 401 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701), notwithstanding any other Act, sums equal to 50 percent of all moneys received during the prior fiscal year under sections 3 and 15 of the Taylor Grazing Act (43 U.S.C. 315 et seq.) and the amount designated for range improvements from grazing fees and mineral leasing receipts from Bankhead-Jones lands transferred to the Department of the Interior pursuant to law, but not less than $10,000,000, to remain available until expended: Provided, That not to exceed $600,000 shall be available for administrative expenses.

SERVICE CHARGES, DEPOSITS, AND FORFEITURES

For administrative expenses and other costs related to processing application documents and other authorizations for use and disposal of public lands and resources, for costs of providing copies of official public land documents, for monitoring construction, operation, and termination of facilities in conjunction with use authorizations, and for rehabilitation of damaged property, such amounts as may be collected under Public Law 94–579, as amended, and Public Law 93–153, to remain available until expended: Provided, That notwithstanding any provision to the contrary of section 305(a) of Public Law 94–579 (43 U.S.C. 1735(a)), any moneys that have been or will be received pursuant to that section, whether as a result of forfeiture, compromise, or settlement, if not appropriate for refund pursuant to section 305(c) of that Act (43 U.S.C. 1735(c)), shall be available and may be expended under the authority of this Act by the Secretary to improve, protect, or rehabilitate any public lands administered through the Bureau of Land Management which have been damaged by the action of a resource developer, purchaser, permittee, or any unauthorized person, without regard to whether all moneys collected from each such action are used on the exact lands damaged which led to the action: Provided further, That any such moneys that are in excess of amounts needed to repair damage to the exact land for which funds were collected may be used to repair other damaged public lands.

MISCELLANEOUS TRUST FUNDS

In addition to amounts authorized to be expended under existing laws, there is hereby appropriated such amounts as may be contributed under section 307 of the Act of October 21, 1976 (43 U.S.C. 1701), and such amounts as may be advanced for administrative costs, surveys, appraisals, and costs of making conveyances of omitted lands under section 211(b) of that Act, to remain available until expended.

ADMINISTRATIVE PROVISIONS

Appropriations for the Bureau of Land Management shall be available for purchase, erection, and dismantlement of temporary structures, and alteration and maintenance of necessary buildings and appurtenant facilities to which the United States has title; up to $100,000 for payments, at the discretion of the Secretary, for information or evidence concerning violations of laws administered by the Bureau; miscellaneous and emergency expenses of enforcement activities authorized or approved by the Secretary and to be accounted for solely on her certificate, not to exceed $10,000: Provided, That notwithstanding 44 U.S.C. 501, the Bureau may, under cooperative cost-sharing and partnership arrangements authorized by law, procure printing services from cooperators in connection with jointly produced publications for which the cooperators share the cost of printing either in cash or in services, and the Bureau determines the cooperator is capable of meeting accepted quality standards: Provided further, That section 28 of title 30, United States Code, is amended: (1) in section 28f(a), by striking ''for years 2002 through 2003'' and inserting in lieu thereof ''for years 2004 through 2008''; and (2) in section 28g, by striking ''and before September 30, 2003'' and inserting in lieu thereof ''and before September 30, 2008''.

UNITED STATES FISH AND WILDLIFE SERVICE

RESOURCE MANAGEMENT

For necessary expenses of the United States Fish and Wildlife Service, as authorized by law, and for scientific and economic studies, maintenance of the herd of long-horned cattle on the Wichita Mountains Wildlife Refuge, general administration, and for the performance of other authorized functions related to such resources by direct expenditure, contracts, grants, cooperative agreements and reimbursable agreements with public and private entities, $963,352,000, to remain available until September 30, 2005, except as otherwise provided herein: Provided, That not less than $2,000,000 shall be provided to local governments in southern California for planning associated with the Natural Communities Conservation Planning (NCCP) program and shall remain available until expended: Provided further, That $2,000,000 is for high priority projects, which shall be carried out by the Youth Conservation Corps: Provided further, That not to exceed $12,286,000 shall be used for implementing subsections (a), (b), (c), and (e) of section 4 of the Endangered Species Act, as amended, for species that are indigenous to the United States (except for processing petitions, developing and issuing proposed and final regulations, and taking any other steps to implement actions described in subsection (c)(2)(A), (c)(2)(B)(i), or (c)(2)(B)(ii)), of which not to exceed $8,900,000 shall be used for any activity regarding the designation of critical habitat, pursuant to subsection (a)(3), excluding litigation support, for species already listed pursuant to subsection (a)(1) as of the date of enactment this Act: Provided further, That of the amount available for law enforcement, up to $400,000 to remain available until expended, may at the discretion of the Secretary be used for payment for information, rewards, or evidence concerning violations of laws administered by the Service, and miscellaneous and emergency expenses of enforcement activity, authorized or approved by the Secretary and to be accounted for solely on her certificate: Provided further, That of the amount provided for environmental contaminants, up to $1,000,000 may remain available until expended for contaminant sample analyses.

CONSTRUCTION

For construction, improvement, acquisition, or removal of buildings and other facilities required in the conservation, management, investigation, protection, and utilization of fishery and wildlife resources, and the acquisition of lands and interests therein; $60,554,000, to remain available until expended.

LAND ACQUISITION

For expenses necessary to carry out the Land and Water Conservation Fund Act of 1965, as amended (16 U.S.C. 460l–4 through 11), including administrative expenses, and for acquisition of land or waters, or interest therein, in accordance with statutory authority applicable to the United States Fish and Wildlife Service, $43,628,000, to be derived from the Land and Water Conservation Fund and to remain available until expended: Provided, That none of the funds appropriated for specific land acquisition projects can be used to pay for any administrative overhead, planning or other management costs.

LANDOWNER INCENTIVE PROGRAM

For expenses necessary to carry out the Land and Water Conservation Fund Act of 1965, as amended (16 U.S.C. 460l–4 through 11), including administrative expenses, and for private conservation efforts to be carried out on private lands, $30,000,000, to be derived from the Land and Water Conservation Fund, and to remain available until expended: Provided, That the amount provided herein is for a Landowner Incentive Program established by the Secretary that provides matching, competitively awarded grants to States, the District of Columbia, Tribes, Puerto Rico, Guam, the United States Virgin Islands, the Northern Mariana Islands, and American Samoa, to establish or supplement existing landowner incentive programs that provide technical and financial assistance, including habitat protection and restoration, to private landowners for the protection and management of habitat to benefit federally listed, proposed, candidate, or other at-risk species on private lands.

STEWARDSHIP GRANTS

For expenses necessary to carry out the Land and Water Conservation Fund Act of 1965, as amended (16 U.S.C. 460l–4 through 11), including administrative expenses, and for private conservation efforts to be carried out on private lands, $7,500,000, to be derived from the Land and Water Conservation Fund, and to remain available until expended: Provided, That the amount provided herein is for a Stewardship Grants Program established by the Secretary to provide grants and other assistance to individuals and groups engaged in private conservation efforts that benefit federally listed, proposed, candidate, or other at-risk species.

COOPERATIVE ENDANGERED SPECIES CONSERVATION FUND

For expenses necessary to carry out section 6 of the Endangered Species Act of 1973 (16 U.S.C. 1531–1543), as amended, $82,614,000, of which $32,614,000 is to be derived from the Cooperative Endangered Species Conservation Fund and $50,000,000 is to be derived from the Land and Water Conservation Fund and to remain available until expended.

NATIONAL WILDLIFE REFUGE FUND

For expenses necessary to implement the Act of October 17, 1978 (16 U.S.C. 715s), $14,414,000.

NORTH AMERICAN WETLANDS CONSERVATION FUND

For expenses necessary to carry out the provisions of the North American Wetlands Conservation Act, Public Law 101–233, as amended, $38,000,000, to remain available until expended.

NEOTROPICAL MIGRATORY BIRD CONSERVATION

For financial assistance for projects to promote the conservation of neotropical migratory birds in accordance with the Neotropical Migratory Bird Conservation Act, Public Law 106–247 (16 U.S.C. 6101–6109), $4,000,000, to remain available until expended.

MULTINATIONAL SPECIES CONSERVATION FUND

For expenses necessary to carry out the African Elephant Conservation Act (16 U.S.C. 4201–4203, 4211–4213, 4221–4225, 4241–4245, and 1538), the Asian Elephant Conservation Act of 1997 (Public Law 105–96; 16 U.S.C. 4261–4266), the Rhinoceros and Tiger Conservation Act of 1994 (16 U.S.C. 5301–5306), and the Great Ape Conservation Act of 2000 (16 U.S.C. 6301), $5,600,000, to remain available until expended.

STATE AND TRIBAL WILDLIFE GRANTS

For wildlife conservation grants to States and to the District of Columbia, Puerto Rico, Guam, the United States Virgin Islands, the Northern Mariana Islands, American Samoa, and federally recognized Indian tribes under the provisions of the Fish and Wildlife Act of 1956 and the Fish and Wildlife Coordination Act, for the development and implementation of programs for the benefit of wildlife and their habitat, including species that are not hunted or fished, $70,000,000 to be derived from the Land and Water Conservation Fund, and to remain available until expended: Provided, That of the amount provided herein, $6,000,000 is for a competitive grant program for Indian tribes not subject to the remaining provisions of this appropriation: Provided further, That the Secretary shall, after deducting said $6,000,000 and administrative expenses, apportion the amount provided herein in the following manner: (A) to the District of Columbia and to the Commonwealth of Puerto Rico, each a sum equal to not more than one-half of 1 percent thereof; and (B) to Guam, American Samoa, the United States Virgin Islands, and the Commonwealth of the Northern Mariana Islands, each a sum equal to not more than one-fourth of 1 percent thereof: Provided further, That the Secretary shall apportion the remaining amount in the following manner: (A) one-third of which is based on the ratio to which the land area of such State bears to the total land area of all such States; and (B) two-thirds of which is based on the ratio to which the population of such State bears to the total population of all such States: Provided further, That the amounts apportioned under this paragraph shall be adjusted equitably so that no State shall be apportioned a sum which is less than 1 percent of the amount available for apportionment under this paragraph for any fiscal year or more than 5 percent of such amount: Provided further, That the Federal share of planning grants shall not exceed 75 percent of the total costs of such projects and the Federal share of implementation grants shall not exceed 50 percent of the total costs of such projects: Provided further, That the non-Federal share of such projects may not be derived from Federal grant programs: Provided further, That no State, territory, or other jurisdiction shall receive a grant unless it has developed, or committed to develop by October 1, 2005, a comprehensive wildlife conservation plan, consistent with criteria established by the Secretary of the Interior, that considers the broad range of the State, territory, or other jurisdiction's wildlife and associated habitats, with appropriate priority placed on those species with the greatest conservation need and taking into consideration the relative level of funding available for the conservation of those species: Provided further, That any amount apportioned in 2004 to any State, territory, or other jurisdiction that remains unobligated as of September 30, 2005, shall be reapportioned, together with funds appropriated in 2006, in the manner provided herein: Provided further, That balances from amounts previously appropriated under the heading ''State Wildlife Grants'' shall be transferred to and merged with this appropriation and shall remain available until expended.

ADMINISTRATIVE PROVISIONS

Appropriations and funds available to the United States Fish and Wildlife Service shall be available for purchase of not to exceed 157 passenger motor vehicles, of which 142 are for replacement only (including 33 for police-type use); repair of damage to public roads within and adjacent to reservation areas caused by operations of the Service; options for the purchase of land at not to exceed $1 for each option; facilities incident to such public recreational uses on conservation areas as are consistent with their primary purpose; and the maintenance and improvement of aquaria, buildings, and other facilities under the jurisdiction of the Service and to which the United States has title, and which are used pursuant to law in connection with management, and investigation of fish and wildlife resources: Provided, That notwithstanding 44 U.S.C. 501, the Service may, under cooperative cost sharing and partnership arrangements authorized by law, procure printing services from cooperators in connection with jointly produced publications for which the cooperators share at least one-half the cost of printing either in cash or services and the Service determines the cooperator is capable of meeting accepted quality standards: Provided further, That the Service may accept donated aircraft as replacements for existing aircraft: Provided further, That notwithstanding any other provision of law, the Secretary of the Interior may not spend any of the funds appropriated in this Act for the purchase of lands or interests in lands to be used in the establishment of any new unit of the National Wildlife Refuge System unless the purchase is approved in advance by the House and Senate Committees on Appropriations in compliance with the reprogramming procedures contained in the statement of the managers accompanying this Act.

NATIONAL PARK SERVICE

OPERATION OF THE NATIONAL PARK SYSTEM

For expenses necessary for the management, operation, and maintenance of areas and facilities administered by the National Park Service (including special road maintenance service to trucking permittees on a reimbursable basis), and for the general administration of the National Park Service, $1,629,641,000, of which $10,887,000 is for planning and interagency coordination in support of Everglades restoration and shall remain available until expended; of which $96,480,000, to remain available until September 30, 2005, is for maintenance, repair or rehabilitation projects for constructed assets, operation of the National Park Service automated facility management software system, and comprehensive facility condition assessments; and of which $2,000,000 is for the Youth Conservation Corps for high priority projects: Provided, That the only funds in this account which may be made available to support United States Park Police are those funds approved for emergency law and order incidents pursuant to established National Park Service procedures, those funds needed to maintain and repair United States Park Police administrative facilities, and those funds necessary to reimburse the United States Park Police account for the unbudgeted overtime and travel costs associated with special events for an amount not to exceed $10,000 per event subject to the review and concurrence of the Washington headquarters office: Provided further, That notwithstanding sections 5(b)(7)(c) and 7(a)(2) of Public Law 105–58, the National Park Service may in fiscal year 2004 provide funding for uniformed personnel for visitor protection and interpretation of the outdoor symbolic site at the Oklahoma City Memorial without reimbursement or a requirement to match these funds with non-federal funds.

UNITED STATES PARK POLICE

For expenses necessary to carry out the programs of the United States Park Police, $78,859,000.

NATIONAL RECREATION AND PRESERVATION

For expenses necessary to carry out recreation programs, natural programs, cultural programs, heritage partnership programs, environmental compliance and review, international park affairs, statutory or contractual aid for other activities, and grant administration, not otherwise provided for, $62,544,000, of which $1,600,000 shall be available until expended for the Oklahoma City National Memorial Trust, notwithstanding the provisions contained in sections 7(a)(1) and (2) of Public Law 105–58.

URBAN PARK AND RECREATION FUND

For expenses necessary to carry out the provisions of the Urban Park and Recreation Recovery Act of 1978 (16 U.S.C. 2501 et seq.), $305,000, to remain available until expended.

HISTORIC PRESERVATION FUND

For expenses necessary in carrying out the Historic Preservation Act of 1966, as amended (16 U.S.C. 470), and the Omnibus Parks and Public Lands Management Act of 1996 (Public Law 104–333), $74,500,000, to be derived from the Historic Preservation Fund, to remain available

until September 30, 2005: Provided, That, of the amount provided herein, $500,000, to remain available until expended, is for a grant for the perpetual care and maintenance of National Trust Historic Sites, as authorized under 16 U.S.C. 470a(e)(2), to be made available in full upon signing of a grant agreement: Provided further, That, notwithstanding any other provision of law, these funds shall be available for investment with the proceeds to be used for the same purpose as set out herein: Provided further, That of the total amount provided, $33,000,000 shall be for Save America's Treasures for priority preservation projects, of nationally significant sites, structures, and artifacts: Provided further, That any individual Save America's Treasures grant shall be matched by non-Federal funds: Provided further, That individual projects shall only be eligible for one grant, and all projects to be funded shall be approved by the House and Senate Committees on Appropriations and the Secretary of the Interior in consultation with the President's Committee on the Arts and Humanities prior to the commitment of grant funds: Provided further, That Save America's Treasures funds allocated for Federal projects, following approval, shall be available by transfer to appropriate accounts of individual agencies.

CONSTRUCTION

For construction, improvements, repair or replacement of physical facilities, including the modifications authorized by section 104 of the Everglades National Park Protection and Expansion Act of 1989, $333,995,000, to remain available until expended, of which $300,000 for the L.Q.C. Lamar House National Historic Landmark and $375,000 for the Sun Watch National Historic Landmark shall be derived from the Historic Preservation Fund pursuant to 16 U.S.C. 470a: Provided, That none of the funds in this or any other Act, may be used to pay the salaries and expenses of more than 160 Full Time Equivalent personnel working for the National Park Service's Denver Service Center funded under the construction program management and operations activity: Provided further, That none of the funds provided in this or any other Act may be used to pre-design, plan, or construct any new facility (including visitor centers, curatorial facilities, administrative buildings), for which appropriations have not been specifically provided if the net construction cost of such facility is in excess of $5,000,000, without prior approval of the House and Senate Committees on Appropriations: Provided further, That the restriction in the previous proviso applies to all funds available to the National Park Service, including partnership and fee demonstration projects: Provided further, That none of the funds provided in this or any other Act may be used for planning, design, or construction of any underground security screening or visitor contact facility at the Washington Monument until such facility has been approved in writing by the House and Senate Committees on Appropriations: Provided further, That funds appropriated in this Act and in any prior Acts for the purpose of implementing the Modified Water Deliveries to Everglades National Park Project shall be available for expenditure unless the joint report of the Secretary of the Interior, the Secretary of the Army, the Administrator of the Environmental Protection Agency, and the Attorney General which shall be filed within 90 days of enactment of this Act and by September 30 each year thereafter until December 31, 2006, to the House and Senate Committees on Appropriations, the House Committee on Transportation and Infrastructure, the House Committee on Resources and the Senate Committee on Environment and Public Works, indicates that the water entering A.R.M. Loxahatchee National Wildlife Refuge and Everglades National Park does not meet applicable State water quality standards and numeric criteria adopted for phosphorus throughout A.R.M. Loxahatchee National Wildlife Refuge and Everglades National Park, as well as water quality requirements set forth in the Consent Decree entered in United States v. South Florida Water Management District, and that the House and Senate Committees on Appropriations respond in writing disapproving the further expenditure of funds: Provided further, That not to exceed $800,000 of the funds provided for Dayton Aviation Heritage National Historical Park may be provided as grants to cooperating entities for projects to enhance public access to the park.

LAND AND WATER CONSERVATION FUND

(RESCISSION)

The contract authority provided for fiscal year 2004 by 16 U.S.C. 460l–10a is rescinded.

LAND ACQUISITION AND STATE ASSISTANCE

(INCLUDING TRANSFERS OF FUNDS)

For expenses necessary to carry out the Land and Water Conservation Act of 1965, as amended (16 U.S.C. 460l–4 through 11), including administrative expenses, and for acquisition of lands or waters, or interest therein, in accordance with the statutory authority applicable to the National Park Service, $142,350,000, to be derived from the Land and Water Conservation Fund and to remain available until expended, of which $95,000,000 is for the State assistance program including $2,500,000 to administer this program: Provided, That none of the funds provided for the State assistance program may be used to establish a contingency fund: Provided further, That notwithstanding any other provision of law, the Secretary of the Interior, using prior year unobligated funds made available under any Act enacted before the date of enactment of this Act for land acquisition assistance to the State of Florida for the acquisition of lands or water, or interests therein, within the Everglades watershed, shall transfer $5,000,000 to the United States Fish and Wildlife Service ''Resource Management'' account for the purpose of funding water quality monitoring and eradication of invasive exotic plants at A.R.M. Loxahatchee National Wildlife Refuge, as well as recovery actions for any listed species in the South Florida ecosystem, and may transfer such sums as may be determined necessary by the Secretary of the Interior to the U.S. Army Corps of Engineers ''Construction, General'' account for the purpose of modifying the construction of Storm Water Treatment Area 1 East to include additional water quality improvement measures, such as additional compartmentalization, improved flow control, vegetation management, and other additional technologies based upon the recommendations of the Secretary of the Interior and the South Florida Water Management District, to maximize the treatment effectiveness of Storm Water Treatment Area 1 East so that water delivered by Storm Water Treatment Area 1 East to A.R.M. Loxahatchee National Wildlife Refuge achieves State water quality standards, including the numeric criterion for phosphorus, and that the cost sharing provisions of section 528 of the Water Resources Development Act of 1996 (110 Stat. 3769) shall apply to any funds provided by the Secretary of the Interior to the U.S. Army Corps of Engineers for this purpose: Provided further, That, subsequent to the transfer of the $5,000,000 to the U.S. Fish and Wildlife Service and the transfer of funds, if any, to the U.S. Army Corps of Engineers to carry out water quality improvement measures for Storm Water Treatment Area 1 East, if any funds remain to be expended after the requirements of these provisions have been met, then the Secretary of the Interior may transfer, as appropriate, and use the remaining funds for Everglades restoration activities benefiting the lands and resources managed by the Department of the Interior in South Florida, subject to the approval by the House and Senate Committees on Appropriations of a reprogramming request by the Secretary detailing how the remaining funds will be expended for this purpose.

ADMINISTRATIVE PROVISIONS

Appropriations for the National Park Service shall be available for the purchase of not to exceed 249 passenger motor vehicles, of which 202 shall be for replacement only, including not to exceed 193 for police-type use, 10 buses, and 8 ambulances: Provided, That none of the funds appropriated to the National Park Service may be used to process any grant or contract documents which do not include the text of 18 U.S.C. 1913: Provided further, That none of the funds appropriated to the National Park Service may be used to implement an agreement for the redevelopment of the southern end of Ellis Island until such agreement has been submitted to the Congress and shall not be implemented prior to the expiration of 30 calendar days (not including any day in which either House of Congress is not in session because of adjournment of more than 3 calendar days to a day certain) from the receipt by the Speaker of the House of Representatives and the President of the Senate of a full and comprehensive report on the development of the southern end of Ellis Island, including the facts and circumstances relied upon in support of the proposed project: Provided further, That the National Park Service may make a grant of not to exceed $70,000 for the construction of a memorial in Cadillac, Michigan in honor of Kris Eggle.

None of the funds in this Act may be spent by the National Park Service for activities taken in direct response to the United Nations Biodiversity Convention.

The National Park Service may distribute to operating units based on the safety record of each unit the costs of programs designed to improve workplace and employee safety, and to encourage employees receiving workers' compensation benefits pursuant to chapter 81 of title 5, United States Code, to return to appropriate positions for which they are medically able.

Notwithstanding any other provision of law, in fiscal year 2004, with respect to the administration of the National Park Service park pass program by the National Park Foundation, the Secretary may obligate to the Foundation administrative funds expected to be received in that fiscal year before the revenues are collected, so long as total obligations in the administrative account do not exceed total revenue collected and deposited in that account by the end of the fiscal year.

UNITED STATES GEOLOGICAL SURVEY

SURVEYS, INVESTIGATIONS, AND RESEARCH

For expenses necessary for the United States Geological Survey to perform surveys, investigations, and research covering topography, geology, hydrology, biology, and the mineral and water resources of the United States, its territories and possessions, and other areas as authorized by 43 U.S.C. 31, 1332, and 1340; classify lands as to their mineral and water resources; give engineering supervision to power permittees and Federal Energy Regulatory Commission licensees; administer the minerals exploration program (30 U.S.C. 641); and publish and disseminate data relative to the foregoing activities; and to conduct inquiries into the economic conditions affecting mining and materials processing industries (30 U.S.C. 3, 21a, and 1603; 50 U.S.C. 98g(1)) and related purposes as authorized by law and to publish and disseminate data; $949,686,000, of which $64,536,000 shall be available only for cooperation with States or municipalities for water resources investigations; and of which $16,201,000 shall remain available until expended for conducting inquiries into the economic conditions affecting mining and materials processing industries; and of which $8,000,000 shall remain available until expended for satellite operations; and of which $24,390,000 shall be available until September 30, 2005, for the operation and maintenance of facilities and deferred maintenance; and of which $176,099,000 shall be available until September

30, 2005, for the biological research activity and the operation of the Cooperative Research Units: Provided, That none of these funds provided for the biological research activity shall be used to conduct new surveys on private property, unless specifically authorized in writing by the property owner: Provided further, That no part of this appropriation shall be used to pay more than one-half the cost of topographic mapping or water resources data collection and investigations carried on in cooperation with States and municipalities.

ADMINISTRATIVE PROVISIONS

The amount appropriated for the United States Geological Survey shall be available for the purchase of not to exceed 53 passenger motor vehicles, of which 48 are for replacement only; reimbursement to the General Services Administration for security guard services; contracting for the furnishing of topographic maps and for the making of geophysical or other specialized surveys when it is administratively determined that such procedures are in the public interest; construction and maintenance of necessary buildings and appurtenant facilities; acquisition of lands for gauging stations and observation wells; expenses of the United States National Committee on Geology; and payment of compensation and expenses of persons on the rolls of the Survey duly appointed to represent the United States in the negotiation and administration of interstate compacts: Provided, That activities funded by appropriations herein made may be accomplished through the use of contracts, grants, or cooperative agreements as defined in 31 U.S.C. 6302 et seq.: Provided further, That notwithstanding the provisions of the Federal Grant and Cooperative Agreement Act of 1977 (31 U.S.C. 6301–6308), the U.S. Geological Survey is authorized to continue existing, and hereafter, to enter into new cooperative agreements directed towards a particular cooperator, in support of joint research and data collection activities with Federal, State, and academic partners funded by appropriations herein, including those that provide for space in cooperator facilities.

MINERALS MANAGEMENT SERVICE

ROYALTY AND OFFSHORE MINERALS MANAGEMENT

For expenses necessary for minerals leasing and environmental studies, regulation of industry operations, and collection of royalties, as authorized by law; for enforcing laws and regulations applicable to oil, gas, and other minerals leases, permits, licenses and operating contracts; and for matching grants or cooperative agreements; including the purchase of not to exceed eight passenger motor vehicles for replacement only, $165,316,000, of which $80,396,000 shall be available for royalty management activities; and an amount not to exceed $100,230,000, to be credited to this appropriation and to remain available until expended, from additions to receipts resulting from increases to rates in effect on August 5, 1993, from rate increases to fee collections for Outer Continental Shelf administrative activities performed by the Minerals Management Service (MMS) over and above the rates in effect on September 30, 1993, and from additional fees for Outer Continental Shelf administrative activities established after September 30, 1993: Provided, That to the extent $100,230,000 in additions to receipts are not realized from the sources of receipts stated above, the amount needed to reach $100,230,000 shall be credited to this appropriation from receipts resulting from rental rates for Outer Continental Shelf leases in effect before August 5, 1993: Provided further, That $3,000,000 for computer acquisitions shall remain available until September 30, 2005: Provided further, That funds appropriated under this Act shall be available for the payment of interest in accordance with 30 U.S.C. 1721(b) and (d): Provided further, That not to exceed $3,000 shall be available for reasonable expenses related to promoting volunteer beach and marine cleanup activities: Provided further, That notwithstanding any other provision of law, $15,000 under this heading shall be available for refunds of overpayments in connection with certain Indian leases in which the Director of MMS concurred with the claimed refund due, to pay amounts owed to Indian allottees or tribes, or to correct prior unrecoverable erroneous payments: Provided further, That MMS may under the royalty-in-kind pilot program, or under its authority to transfer oil to the Strategic Petroleum Reserve, use a portion of the revenues from royalty-in-kind sales, without regard to fiscal year limitation, to pay for transportation to wholesale market centers or upstream pooling points, and to process or otherwise dispose of royalty production taken in kind, and to recover MMS transportation costs, salaries, and other administrative costs directly related to filling the Strategic Petroleum Reserve: Provided further, That MMS shall analyze and document the expected return in advance of any royalty-in-kind sales to assure to the maximum extent practicable that royalty income under the pilot program is equal to or greater than royalty income recognized under a comparable royalty-in-value program.

OIL SPILL RESEARCH

For necessary expenses to carry out title I, section 1016, title IV, sections 4202 and 4303, title VII, and title VIII, section 8201 of the Oil Pollution Act of 1990, $7,105,000, which shall be derived from the Oil Spill Liability Trust Fund, to remain available until expended.

OFFICE OF SURFACE MINING RECLAMATION AND ENFORCEMENT

REGULATION AND TECHNOLOGY

For necessary expenses to carry out the provisions of the Surface Mining Control and Reclamation Act of 1977, Public Law 95–87, as amended, including the purchase of not to exceed 10 passenger motor vehicles, for replacement only; $106,424,000: Provided, That the Secretary of the Interior, pursuant to regulations, may use directly or through grants to States, moneys collected in fiscal year 2004 for civil penalties assessed under section 518 of the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1268), to reclaim lands adversely affected by coal mining practices after August 3, 1977, to remain available until expended: Provided further, That appropriations for the Office of Surface Mining Reclamation and Enforcement may provide for the travel and per diem expenses of State and tribal personnel attending Office of Surface Mining Reclamation and Enforcement sponsored training.

ABANDONED MINE RECLAMATION FUND

For necessary expenses to carry out title IV of the Surface Mining Control and Reclamation Act of 1977, Public Law 95–87, as amended, including the purchase of not more than 10 passenger motor vehicles for replacement only, $192,969,000, to be derived from receipts of the Abandoned Mine Reclamation Fund and to remain available until expended; of which up to $10,000,000, to be derived from the Federal Expenses Share of the Fund, shall be for supplemental grants to States for the reclamation of abandoned sites with acid mine rock drainage from coal mines, and for associated activities, through the Appalachian Clean Streams Initiative: Provided, That grants to minimum program States will be $1,500,000 per State in fiscal year 2004: Provided further, That pursuant to Public Law 97–365, the Department of the Interior is authorized to use up to 20 percent from the recovery of the delinquent debt owed to the United States Government to pay for contracts to collect these debts: Provided further, That funds made available under title IV of Public Law 95–87 may be used for any required non-Federal share of the cost of projects funded by the Federal Government for the purpose of environmental restoration related to treatment or abatement of acid mine drainage from abandoned mines: Provided further, That such projects must be consistent with the purposes and priorities of the Surface Mining Control and Reclamation Act: Provided further, That the State of Maryland may set aside the greater of $1,000,000 or 10 percent of the total of the grants made available to the State under title IV of the Surface Mining Control and Reclamation Act of 1977, as amended (30 U.S.C. 1231 et seq.), if the amount set aside is deposited in an acid mine drainage abatement and treatment fund established under a State law, pursuant to which law the amount (together with all interest earned on the amount) is expended by the State to undertake acid mine drainage abatement and treatment projects, except that before any amounts greater than 10 percent of its title IV grants are deposited in an acid mine drainage abatement and treatment fund, the State of Maryland must first complete all Surface Mining Control and Reclamation Act priority one projects.

BUREAU OF INDIAN AFFAIRS

OPERATION OF INDIAN PROGRAMS

For expenses necessary for the operation of Indian programs, as authorized by law, including the Snyder Act of November 2, 1921 (25 U.S.C. 13), the Indian Self-Determination and Education Assistance Act of 1975 (25 U.S.C. 450 et seq.), as amended, the Education Amendments of 1978 (25 U.S.C. 2001–2019), and the Tribally Controlled Schools Act of 1988 (25 U.S.C. 2501 et seq.), as amended, $1,916,317,000, to remain available until September 30, 2005 except as otherwise provided herein, of which not to exceed $86,925,000 shall be for welfare assistance payments and notwithstanding any other provision of law, including but not limited to the Indian Self-Determination Act of 1975, as amended, not to exceed $135,315,000 shall be available for payments to tribes and tribal organizations for contract support costs associated with ongoing contracts, grants, compacts, or annual funding agreements entered into with the Bureau prior to or during fiscal year 2004, as authorized by such Act, except that tribes and tribal organizations may use their tribal priority allocations for unmet indirect costs of ongoing contracts, grants, or compacts, or annual funding agreements and for unmet welfare assistance costs; and of which not to exceed $458,524,000 for school operations costs of Bureau-funded schools and other education programs shall become available on July 1, 2004, and shall remain available until September 30, 2005; and of which not to exceed $55,766,000 shall remain available until expended for housing improvement, road maintenance, attorney fees, litigation support, the Indian Self-Determination Fund, land records improvement, and the Navajo-Hopi Settlement Program: Provided, That notwithstanding any other provision of law, including but not limited to the Indian Self-Determination Act of 1975, as amended, and 25 U.S.C. 2008, not to exceed $49,182,000 within and only from such amounts made available for school operations shall be available to tribes and tribal organizations for administrative cost grants associated with ongoing grants entered into with the Bureau prior to or during fiscal year 2003 for the operation of Bureau-funded schools, and up to $3,000,000 within and only from such amounts made available for school operations shall be available for the transitional costs of initial administrative cost grants to tribes and tribal organizations that enter into grants for the operation on or after July 1, 2004 of Bureau-operated schools: Provided further, That any forestry funds allocated to a tribe which remain unobligated as of September 30, 2005, may be transferred during fiscal year 2006 to an Indian forest land assistance account established for the benefit of such tribe within the tribe's trust fund account: Provided further, That any such unobligated balances not so transferred shall expire on September 30, 2006.

CONSTRUCTION

For construction, repair, improvement, and maintenance of irrigation and power systems, buildings, utilities, and other facilities, including architectural and engineering services by contract; acquisition of lands, and interests in lands; and preparation of lands for farming, and for construction of the Navajo Indian Irrigation Project pursuant to Public Law 87–483, $351,154,000, to remain available until expended: Provided, That such amounts as may be available for the construction of the Navajo Indian Irrigation Project may be transferred to the Bureau of Reclamation: Provided further, That not to exceed 6 percent of contract authority available to the Bureau of Indian Affairs from the Federal Highway Trust Fund may be used to cover the road program management costs of the Bureau: Provided further, That any funds provided for the Safety of Dams program pursuant to 25 U.S.C. 13 shall be made available on a nonreimbursable basis: Provided further, That for fiscal year 2004, in implementing new construction or facilities improvement and repair project grants in excess of $100,000 that are provided to tribally controlled grant schools under Public Law 100–297, as amended, the Secretary of the Interior shall use the Administrative and Audit Requirements and Cost Principles for Assistance Programs contained in 43 CFR part 12 as the regulatory requirements: Provided further, That such grants shall not be subject to section 12.61 of 43 CFR; the Secretary and the grantee shall negotiate and determine a schedule of payments for the work to be performed: Provided further, That in considering applications, the Secretary shall consider whether the Indian tribe or tribal organization would be deficient in assuring that the construction projects conform to applicable building standards and codes and Federal, tribal, or State health and safety standards as required by 25 U.S.C. 2005(a), with respect to organizational and financial management capabilities: Provided further, That if the Secretary declines an application, the Secretary shall follow the requirements contained in 25 U.S.C. 2505(f): Provided further, That any disputes between the Secretary and any grantee concerning a grant shall be subject to the disputes provision in 25 U.S.C. 2508(e).

INDIAN LAND AND WATER CLAIM SETTLEMENTS AND MISCELLANEOUS PAYMENTS TO INDIANS (INCLUDING TRANSFER OF FUNDS)

For miscellaneous payments to Indian tribes and individuals and for necessary administrative expenses, $60,551,000, to remain available until expended; of which $31,766,000 shall be available for implementation of enacted Indian land and water claim settlements pursuant to Public Laws 101–618, 107–331, and 102–575, and for implementation of other enacted water rights settlements; and of which $18,817,000 shall be available pursuant to Public Laws 99–264, 100–580, 106–425, and 106–554; and of which $9,968,000 shall be available for payment to the Quinault Indian Nation pursuant to the terms of the North Boundary Settlement Agreement dated July 14, 2000, providing for the acquisition of perpetual conservation easements from the Nation: Provided, That of the payment to the Quinault Indian Nation, $4,968,000 shall be derived from amounts provided under the heading ''United States Fish and Wildlife Service, Land Acquisition'' in Public Law 108–7.

INDIAN GUARANTEED LOAN PROGRAM ACCOUNT

For the cost of guaranteed and insured loans, $5,797,000, as authorized by the Indian Financing Act of 1974, as amended: Provided, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: Provided further, That these funds are available to subsidize total loan principal, any part of which is to be guaranteed, not to exceed $94,568,000.

In addition, for administrative expenses to carry out the guaranteed and insured loan programs, $700,000.

ADMINISTRATIVE PROVISIONS

The Bureau of Indian Affairs may carry out the operation of Indian programs by direct expenditure, contracts, cooperative agreements, compacts and grants, either directly or in cooperation with States and other organizations.

Notwithstanding 25 U.S.C. 15, the Bureau of Indian Affairs may contract for services in support of the management, operation, and maintenance of the Power Division of the San Carlos Irrigation Project.

Appropriations for the Bureau of Indian Affairs (except the revolving fund for loans, the Indian loan guarantee and insurance fund, and the Indian Guaranteed Loan Program account) shall be available for expenses of exhibits, and purchase of not to exceed 229 passenger motor vehicles, of which not to exceed 187 shall be for replacement only.

Notwithstanding any other provision of law, no funds available to the Bureau of Indian Affairs for central office operations or pooled overhead general administration (except facilities operations and maintenance) shall be available for tribal contracts, grants, compacts, or cooperative agreements with the Bureau of Indian Affairs under the provisions of the Indian Self-Determination Act or the Tribal Self-Governance Act of 1994 (Public Law 103–413).

In the event any tribe returns appropriations made available by this Act to the Bureau of Indian Affairs for distribution to other tribes, this action shall not diminish the Federal Government's trust responsibility to that tribe, or the government-to-government relationship between the United States and that tribe, or that tribe's ability to access future appropriations.

Notwithstanding any other provision of law, no funds available to the Bureau, other than the amounts provided herein for assistance to public schools under 25 U.S.C. 452 et seq., shall be available to support the operation of any elementary or secondary school in the State of Alaska.

Appropriations made available in this or any other Act for schools funded by the Bureau shall be available only to the schools in the Bureau school system as of September 1, 1996. No funds available to the Bureau shall be used to support expanded grades for any school or dormitory beyond the grade structure in place or approved by the Secretary of the Interior at each school in the Bureau school system as of October 1, 1995. Funds made available under this Act may not be used to establish a charter school at a Bureau-funded school (as that term is defined in section 1146 of the Education Amendments of 1978 (25 U.S.C. 2026)), except that a charter school that is in existence on the date of the enactment of this Act and that has operated at a Bureau-funded school before September 1, 1999, may continue to operate during that period, but only if the charter school pays to the Bureau a pro rata share of funds to reimburse the Bureau for the use of the real and personal property (including buses and vans), the funds of the charter school are kept separate and apart from Bureau funds, and the Bureau does not assume any obligation for charter school programs of the State in which the school is located if the charter school loses such funding. Employees of Bureau-funded schools sharing a campus with a charter school and performing functions related to the charter school's operation and employees of a charter school shall not be treated as Federal employees for purposes of chapter 171 of title 28, United States Code.

DEPARTMENTAL OFFICES

INSULAR AFFAIRS

ASSISTANCE TO TERRITORIES

For expenses necessary for assistance to territories under the jurisdiction of the Department of the Interior, $76,343,000, of which: (1) $70,022,000 shall be available until expended for technical assistance, including maintenance assistance, disaster assistance, insular management controls, coral reef initiative activities, and brown tree snake control and research; grants to the judiciary in American Samoa for compensation and expenses, as authorized by law (48 U.S.C. 1661(c)); grants to the Government of American Samoa, in addition to current local revenues, for construction and support of governmental functions; grants to the Government of the Virgin Islands as authorized by law; grants to the Government of Guam, as authorized by law; and grants to the Government of the Northern Mariana Islands as authorized by law (Public Law 94–241; 90 Stat. 272); and (2) $6,321,000 shall be available for salaries and expenses of the Office of Insular Affairs: Provided, That all financial transactions of the territorial and local governments herein provided for, including such transactions of all agencies or instrumentalities established or used by such governments, may be audited by the General Accounting Office, at its discretion, in accordance with chapter 35 of title 31, United States Code: Provided further, That Northern Mariana Islands Covenant grant funding shall be provided according to those terms of the Agreement of the Special Representatives on Future United States Financial Assistance for the Northern Mariana Islands approved by Public Law 104–134: Provided further, That of the amounts provided for technical assistance, sufficient funds shall be made available for a grant to the Pacific Basin Development Council: Provided further, That of the amounts provided for technical assistance, sufficient funding shall be made available for a grant to the Close Up Foundation: Provided further, That the funds for the program of operations and maintenance improvement are appropriated to institutionalize routine operations and maintenance improvement of capital infrastructure with territorial participation and cost sharing to be determined by the Secretary based on the grantee's commitment to timely maintenance of its capital assets: Provided further, That any appropriation for disaster assistance under this heading in this Act or previous appropriations Acts may be used as non-Federal matching funds for the purpose of hazard mitigation grants provided pursuant to section 404 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170c).

COMPACT OF FREE ASSOCIATION

For grants and necessary expenses, $6,434,000, as provided for in sections 221(a)(2), 221(b), and 233 of the Compact of Free Association for the Republic of Palau as authorized by Public Law 99–658; section 103(f)(2) of title I of H.J. Res. 63 or S.J. Res. 16, (as introduced July 8, 2003, and July 14, 2003, respectively); and section 221(a)(2) of the Compacts of Free Association and their related agreements between the Government of the United States and the Government of the Republic of the Marshall Islands (signed April 30, 2003), and between the Government of the United States and the Federated States of Micronesia (signed May 14, 2003); to remain available until expended. Further, $142,400,000 shall be available until expended, of which $76,700,000 shall be provided for the Federated States of Micronesia and shall be used for grants and necessary expenses as provided for (and in accordance with and subject to the terms, conditions, procedures, and requirements set forth in) sections 211, 212, 213, 214, and 216 of the Compact of Free Association and its related agreements between the Government of the United States and the Government of the Federated States of Micronesia (signed May 14, 2003); $50,700,000 shall be provided for the Republic of the Marshall Islands and shall be used for grants and necessary expenses as provided for (and in accordance with, and subject to the terms, conditions, procedures, and requirements set forth in) sections 211, 212, 213, 214, 215, and 217 of the Compact of Free Association and its related agreements between the Government of the United States and the Government of the Republic of the Marshall Islands (signed April 30,

2003); and $15,000,000 shall be made available for the effect of U.S.-FSM Compact and U.S.-RMI Compact, in accordance with, and subject to the terms, conditions, procedures, and requirements set forth in section 104(e) of title I of H.J. Res. 63, or S.J. Res. 16 (as introduced July 8, 2003, and July 14, 2003, respectively). The funding made available in this paragraph shall not be used to fund the Trust Funds of the Compacts of Free Association, however measures necessary to set up the Trust Funds in accordance with the agreement between the Government of the United States and the Government of the Federated States of Micronesia (signed May 14, 2003) and the agreement between the Government of the United States and the Government of the Republic of the Marshall Islands (signed April 30, 2003) implementing section 215 and section 216, respectively, of the Compacts regarding a Trust Fund are authorized and may commence. If the aforementioned H.J. Res. 63, S.J. Res. 16, or similar legislation as identified in the President's fiscal year 2004 budget to approve the Compacts of Free Association (dated April 30, 2003, and May 14, 2003) and their related agreements is enacted, any funding made available under this paragraph shall be considered to have been made available and expended for and under that enacted legislation purposes of funding for fiscal year 2004.

Section 231 of Public Law 99–239 is amended by striking ''If these negotiations'' and all that follows through the final period and inserting the following: ''The period for the enactment of legislation approving the agreements resulting from such negotiations shall extend through the earlier of the date of the enactment of such legislation or September 30, 2004, during which time the provisions of this Compact, including title three, shall remain in full force and effect.''.

DEPARTMENTAL MANAGEMENT

SALARIES AND EXPENSES

For necessary expenses for management of the Department of the Interior, $78,933,000, of which not to exceed $8,500 may be for official reception and representation expenses, and of which up to $1,000,000 shall be available for workers compensation payments and unemployment compensation payments associated with the orderly closure of the United States Bureau of Mines: Provided, That of this amount, sufficient funds shall be available for the Secretary of the Interior, not later than 60 days after the last day of the fiscal year, to submit to Congress a report on the amount of acquisitions made by the Department of the Interior during such fiscal year of articles, materials, or supplies that were manufactured outside the United States. Such report shall separately indicate the dollar value of any articles, materials, or supplies purchased by the Department of the Interior that were manufactured outside the United States, an itemized list of all waivers under the Buy American Act (41 U.S.C. 10a et seq.) that were granted with respect to such articles, materials, or supplies, and a summary of total procurement funds spent on goods manufactured in the United States versus funds spent on goods manufactured outside of the United States. The Secretary of the Interior shall make the report publicly available by posting the report on an Internet website: Provided further, That none of the funds in this or previous appropriations Acts may be used to establish any additional reserves in the Working Capital Fund account other than the two authorized reserves without prior approval of the House and Senate Committees on Appropriations.

Of the unobligated balances in the Special Foreign Currency account, $1,400,000 are hereby canceled.

WORKING CAPITAL FUND

For the acquisition of a departmental financial and business management system, $11,700,000, to remain available until expended: Provided, That from unobligated balances under this heading, $20,000,000 are hereby canceled.

PAYMENTS IN LIEU OF TAXES

For expenses necessary to implement the Act of October 20, 1976, as amended (31 U.S.C. 6901–6907), $227,500,000, of which not to exceed $400,000 shall be available for administrative expenses: Provided, That no payment shall be made to otherwise eligible units of local government if the computed amount of the payment is less than $100.

OFFICE OF THE SOLICITOR

SALARIES AND EXPENSES

For necessary expenses of the Office of the Solicitor, $50,374,000.

OFFICE OF INSPECTOR GENERAL

SALARIES AND EXPENSES

For necessary expenses of the Office of Inspector General, $38,749,000, of which $3,812,000 shall be for procurement by contract of independent auditing services to audit the consolidated Department of the Interior annual financial statement and the annual financial statement of the Department of the Interior bureaus and offices funded in this Act.

OFFICE OF SPECIAL TRUSTEE FOR AMERICAN INDIANS

FEDERAL TRUST PROGRAMS

For the operation of trust programs for Indians by direct expenditure, contracts, cooperative agreements, compacts, and grants, $189,641,000, to remain available until expended: Provided, That of the amounts available under this heading not to exceed $45,000,000 shall be available for records collection and indexing, imaging and coding, accounting for per capita and judgment accounts, accounting for tribal accounts, reviewing and distributing funds from special deposit accounts, and program management of the Office of Historical Trust Accounting, including litigation support: Provided further, That nothing in the American Indian Trust Management Reform Act of 1994, Public Law 103–412, or in any other statute, and no principle of common law, shall be construed or applied to require the Department of the Interior to commence or continue historical accounting activities with respect to the Individual Indian Money Trust until the earlier of the following shall have occurred: (a) Congress shall have amended the American Indian Trust Management Reform Act of 1994 to delineate the specific historical accounting obligations of the Department of the Interior with respect to the Individual Indian Money Trust; or (b) December 31, 2004: Provided further, That funds for trust management improvements and litigation support may, as needed, be transferred to or merged with the Bureau of Indian Affairs, ''Operation of Indian Programs'' account; the Office of the Solicitor, ''Salaries and Expenses'' account; and the Departmental Management, ''Salaries and Expenses'' account: Provided further, That funds made available to Tribes and Tribal organizations through contracts or grants obligated during fiscal year 2004, as authorized by the Indian Self-Determination Act of 1975 (25 U.S.C. 450 et seq.), shall remain available until expended by the contractor or grantee: Provided further, That notwithstanding any other provision of law, the statute of limitations shall not commence to run on any claim, including any claim in litigation pending on the date of the enactment of this Act, concerning losses to or mismanagement of trust funds, until the affected tribe or individual Indian has been furnished with an accounting of such funds from which the beneficiary can determine whether there has been a loss: Provided further, That notwithstanding any other provision of law, the Secretary shall not be required to provide a quarterly statement of performance for any Indian trust account that has not had activity for at least 18 months and has a balance of $1.00 or less: Provided further, That the Secretary shall issue an annual account statement and maintain a record of any such accounts and shall permit the balance in each such account to be withdrawn upon the express written request of the account holder: Provided further, That not to exceed $50,000 is available for the Secretary to make payments to correct administrative errors of either disbursements from or deposits to Individual Indian Money or Tribal accounts after September 30, 2002: Provided further, That erroneous payments that are recovered shall be credited to and remain available in this account for this purpose.

INDIAN LAND CONSOLIDATION

For consolidation of fractional interests in Indian lands and expenses associated with redetermining and redistributing escheated interests in allotted lands, and for necessary expenses to carry out the Indian Land Consolidation Act of 1983, as amended, by direct expenditure or cooperative agreement, $21,980,000, to remain available until expended: Provided, That funds provided under this heading may be expended pursuant to the authorities contained in the provisos under the heading ''Office of Special Trustee for American Indians, Indian Land Consolidation'' of the Interior and Related Agencies Appropriations Act, 2001 (Public Law 106–291).

NATURAL RESOURCE DAMAGE ASSESSMENT AND RESTORATION

NATURAL RESOURCE DAMAGE ASSESSMENT FUND

To conduct natural resource damage assessment and restoration activities by the Department of the Interior necessary to carry out the provisions of the Comprehensive Environmental Response, Compensation, and Liability Act, as amended (42 U.S.C. 9601 et seq.), Federal Water Pollution Control Act, as amended (33 U.S.C. 1251 et seq.), the Oil Pollution Act of 1990 (Public Law 101–380) (33 U.S.C. 2701 et seq.), and Public Law 101–337, as amended (16 U.S.C. 19jj et seq.), $5,633,000, to remain available until expended.

ADMINISTRATIVE PROVISIONS

There is hereby authorized for acquisition from available resources within the Working Capital Fund, 15 aircraft, 10 of which shall be for replacement and which may be obtained by donation, purchase or through available excess surplus property: Provided, That existing aircraft being replaced may be sold, with proceeds derived or trade-in value used to offset the purchase price for the replacement aircraft: Provided further, That no programs funded with appropriated funds in the ''Departmental Management'', ''Office of the Solicitor'', and ''Office of Inspector General'' may be augmented through the Working Capital Fund: Provided further, That the annual budget justification for Departmental Management shall describe estimated Working Capital Fund charges to bureaus and offices, including the methodology on which charges are based: Provided further, That departures from the Working Capital Fund estimates contained in the Departmental Management budget justification shall be presented to the Committees on Appropriations for approval: Provided further, That the Secretary shall provide a semi-annual report to the Committees on Appropriations on reimbursable support agreements between the Office of the Secretary and the National Business Center and the bureaus and offices of the Department, including the amounts billed pursuant to such agreements.

GENERAL PROVISIONS, DEPARTMENT OF THE INTERIOR

SEC. 101. Appropriations made in this title shall be available for expenditure or transfer (within each bureau or office), with the approval of the Secretary, for the emergency reconstruction, replacement, or repair of aircraft, buildings, utilities, or other facilities or equipment damaged or destroyed by fire, flood, storm, or other unavoidable causes: Provided, That no funds shall be made available under this authority until funds specifically made available

to the Department of the Interior for emergencies shall have been exhausted: Provided further, That all funds used pursuant to this section are hereby designated by Congress to be ''emergency requirements'' pursuant to section 502 of H. Con. Res. 95, the concurrent resolution on the budget for fiscal year 2004, and must be replenished by a supplemental appropriation which must be requested as promptly as possible.

SEC. 102. The Secretary may authorize the expenditure or transfer of any no year appropriation in this title, in addition to the amounts included in the budget programs of the several agencies, for the suppression or emergency prevention of wildland fires on or threatening lands under the jurisdiction of the Department of the Interior; for the emergency rehabilitation of burned-over lands under its jurisdiction; for emergency actions related to potential or actual earthquakes, floods, volcanoes, storms, or other unavoidable causes; for contingency planning subsequent to actual oil spills; for response and natural resource damage assessment activities related to actual oil spills; for the prevention, suppression, and control of actual or potential grasshopper and Mormon cricket outbreaks on lands under the jurisdiction of the Secretary, pursuant to the authority in section 1773(b) of Public Law 99–198 (99 Stat. 1658); for emergency reclamation projects under section 410 of Public Law 95–87; and shall transfer, from any no year funds available to the Office of Surface Mining Reclamation and Enforcement, such funds as may be necessary to permit assumption of regulatory authority in the event a primacy State is not carrying out the regulatory provisions of the Surface Mining Act: Provided, That appropriations made in this title for wildland fire operations shall be available for the payment of obligations incurred during the preceding fiscal year, and for reimbursement to other Federal agencies for destruction of vehicles, aircraft, or other equipment in connection with their use for wildland fire operations, such reimbursement to be credited to appropriations currently available at the time of receipt thereof: Provided further, That for wildland fire operations, no funds shall be made available under this authority until the Secretary determines that funds appropriated for ''wildland fire operations'' shall be exhausted within 30 days: Provided further, That all funds used pursuant to this section are hereby designated by Congress to be ''emergency requirements'' pursuant to section 502 of H. Con. Res. 95, the concurrent resolution on the budget for fiscal year 2004, and must be replenished by a supplemental appropriation which must be requested as promptly as possible: Provided further, That such replenishment funds shall be used to reimburse, on a pro rata basis, accounts from which emergency funds were transferred.

SEC. 103. Appropriations made in this title shall be available for operation of warehouses, garages, shops, and similar facilities, wherever consolidation of activities will contribute to efficiency or economy, and said appropriations shall be reimbursed for services rendered to any other activity in the same manner as authorized by sections 1535 and 1536 of title 31, United States Code: Provided, That reimbursements for costs and supplies, materials, equipment, and for services rendered may be credited to the appropriation current at the time such reimbursements are received.

SEC. 104. Appropriations made to the Department of the Interior in this title shall be available for services as authorized by 5 U.S.C. 3109, when authorized by the Secretary, in total amount not to exceed $500,000; hire, maintenance, and operation of aircraft; hire of passenger motor vehicles; purchase of reprints; payment for telephone service in private residences in the field, when authorized under regulations approved by the Secretary; and the payment of dues, when authorized by the Secretary, for library membership in societies or associations which issue publications to members only or at a price to members lower than to subscribers who are not members.

SEC. 105. Appropriations available to the Department of the Interior for salaries and expenses shall be available for uniforms or allowances therefor, as authorized by law (5 U.S.C. 5901–5902 and D.C. Code 4–204).

SEC. 106. Annual appropriations made in this title shall be available for obligation in connection with contracts issued for services or rentals for periods not in excess of 12 months beginning at any time during the fiscal year.

SEC. 107. No funds provided in this title may be expended by the Department of the Interior for the conduct of offshore preleasing, leasing and related activities placed under restriction in the President's moratorium statement of June 12, 1998, in the areas of northern, central, and southern California; the North Atlantic; Washington and Oregon; and the eastern Gulf of Mexico south of 26 degrees north latitude and east of 86 degrees west longitude.

SEC. 108. No funds provided in this title may be expended by the Department of the Interior to conduct offshore oil and natural gas preleasing, leasing and related activities in the eastern Gulf of Mexico planning area for any lands located outside Sale 181, as identified in the final Outer Continental Shelf 5-Year Oil and Gas Leasing Program, 1997–2002.

SEC. 109. No funds provided in this title may be expended by the Department of the Interior to conduct oil and natural gas preleasing, leasing and related activities in the Mid-Atlantic and South Atlantic planning areas.

SEC. 110. Notwithstanding any other provisions of law, the National Park Service shall not develop or implement a reduced entrance fee program to accommodate non-local travel through a unit. The Secretary may provide for and regulate local non-recreational passage through units of the National Park System, allowing each unit to develop guidelines and permits for such activity appropriate to that unit.

SEC. 111. Advance payments made under this title to Indian tribes, tribal organizations, and tribal consortia pursuant to the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.) or the Tribally Controlled Schools Act of 1988 (25 U.S.C. 2501 et seq.) may be invested by the Indian tribe, tribal organization, or consortium before such funds are expended for the purposes of the grant, compact, or annual funding agreement so long as such funds are—

(1) invested by the Indian tribe, tribal organization, or consortium only in obligations of the United States, or in obligations or securities that are guaranteed or insured by the United States, or mutual (or other) funds registered with the Securities and Exchange Commission and which only invest in obligations of the United States or securities that are guaranteed or insured by the United States; or

(2) deposited only into accounts that are insured by an agency or instrumentality of the United States, or are fully collateralized to ensure protection of the funds, even in the event of a bank failure.

SEC. 112. Appropriations made in this Act under the headings Bureau of Indian Affairs and Office of Special Trustee for American Indians and any unobligated balances from prior appropriations Acts made under the same headings shall be available for expenditure or transfer for Indian trust management and reform activities, except that total funding for historical accounting activities shall not exceed amounts specifically designated in this Act for such purpose.

SEC. 113. Notwithstanding any other provision of law, for the purpose of reducing the backlog of Indian probate cases in the Department of the Interior, the hearing requirements of chapter 10 of title 25, United States Code, are deemed satisfied by a proceeding conducted by an Indian probate judge, appointed by the Secretary without regard to the provisions of title 5, United States Code, governing the appointments in the competitive service, for such period of time as the Secretary determines necessary: Provided, That the basic pay of an Indian probate judge so appointed may be fixed by the Secretary without regard to the provisions of chapter 51, and subchapter III of chapter 53 of title 5, United States Code, governing the classification and pay of General Schedule employees, except that no such Indian probate judge may be paid at a level which exceeds the maximum rate payable for the highest grade of the General Schedule, including locality pay.

SEC. 114. Notwithstanding any other provision of law, the Secretary of the Interior is authorized to redistribute any Tribal Priority Allocation funds, including tribal base funds, to alleviate tribal funding inequities by transferring funds to address identified, unmet needs, dual enrollment, overlapping service areas or inaccurate distribution methodologies. No tribe shall receive a reduction in Tribal Priority Allocation funds of more than 10 percent in fiscal year 2004. Under circumstances of dual enrollment, overlapping service areas or inaccurate distribution methodologies, the 10 percent limitation does not apply.

SEC. 115. Funds appropriated for the Bureau of Indian Affairs for postsecondary schools for fiscal year 2004 shall be allocated among the schools proportionate to the unmet need of the schools as determined by the Postsecondary Funding Formula adopted by the Office of Indian Education Programs.

SEC. 116. (a) The Secretary of the Interior shall take such action as may be necessary to ensure that the lands comprising the Huron Cemetery in Kansas City, Kansas (as described in section 123 of Public Law 106–291) are used only in accordance with this section.

(b) The lands of the Huron Cemetery shall be used only: (1) for religious and cultural uses that are compatible with the use of the lands as a cemetery; and (2) as a burial ground.

SEC. 117. Notwithstanding any other provision of law, in conveying the Twin Cities Research Center under the authority provided by Public Law 104–134, as amended by Public Law 104–208, the Secretary may accept and retain land and other forms of reimbursement: Provided, That the Secretary may retain and use any such reimbursement until expended and without further appropriation: (1) for the benefit of the National Wildlife Refuge System within the State of Minnesota; and (2) for all activities authorized by Public Law 100–696; 16 U.S.C. 460zz.

SEC. 118. Notwithstanding other provisions of law, the National Park Service hereafter may authorize, through cooperative agreement, the Golden Gate National Parks Association to provide fee-based education, interpretive and visitor service functions within the Crissy Field and Fort Point areas of the Presidio.

SEC. 119. Notwithstanding 31 U.S.C. 3302(b), sums received by the Bureau of Land Management for the sale of seeds or seedlings including those collected in fiscal year 2003, may be credited to the appropriation from which funds were expended to acquire or grow the seeds or seedlings and are available without fiscal year limitation.

SEC. 120. Subject to the terms and conditions of section 126 of the Department of the Interior and Related Agencies Act, 2002, the Administrator of General Services shall sell all right, title, and interest of the United States in and to the improvements and equipment of the White River Oil Shale Mine.

SEC. 121. The Secretary of the Interior may use or contract for the use of helicopters or motor vehicles on the Sheldon and Hart National Wildlife Refuges for the purpose of capturing and transporting horses and burros. The provisions of subsection (a) of the Act of September 8, 1959 (18 U.S.C. 47(a)) shall not be applicable to such use. Such use shall be in accordance with humane procedures prescribed by the Secretary.

SEC. 122. Of the funds made available under the heading ''Bureau of Land Management, Land Acquisition'' in title I of the Department of the Interior and Related Agencies Appropriation Act, 2002 (115 Stat. 420), the Secretary of the Interior shall grant $500,000 to the City of St. George, Utah, for the purchase of the land as provided in the Virgin River Dinosaur Footprint Preserve Act (116 Stat. 2896), with any surplus funds available after the purchase to be available for the purpose of the preservation of the land and the paleontological resources on the land.

SEC. 123. Funds provided in this Act for Federal land acquisition by the National Park Service for Shenandoah Valley Battlefields National Historic District, New Jersey Pinelands Preserve, and Ice Age National Scenic Trail may be used for a grant to a State, a local government, or any other governmental land management entity for the acquisition of lands without regard to any restriction on the use of Federal land acquisition funds provided through the Land and Water Conservation Fund Act of 1965 as amended.

SEC. 124. None of the funds made available by this Act may be obligated or expended by the National Park Service to enter into or implement a concession contract which permits or requires the removal of the underground lunchroom at the Carlsbad Caverns National Park.

SEC. 125. None of the funds made available in this Act may be used: (1) to demolish the bridge between Jersey City, New Jersey, and Ellis Island; or (2) to prevent pedestrian use of such bridge, when such pedestrian use is consistent with generally accepted safety standards.

SEC. 126. None of the funds made available in this or any other Act for any fiscal year may be used to designate, or to post any sign designating, any portion of Canaveral National Seashore in Brevard County, Florida, as a clothing-optional area or as an area in which public nudity is permitted, if such designation would be contrary to county ordinance.

SEC. 127. None of the funds in this or any other Act can be used to compensate the Special Master and the Special Master-Monitor, and all variations thereto, appointed by the United States District Court for the District of Columbia in the Cobell v. Norton litigation at an annual rate that exceeds 200 percent of the highest Senior Executive Service rate of pay for the Washington-Baltimore locality pay area.

SEC. 128. The Secretary of the Interior may use discretionary funds to pay private attorneys fees and costs for employees and former employees of the Department of the Interior reasonably incurred in connection with Cobell v. Norton to the extent that such fees and costs are not paid by the Department of Justice or by private insurance. In no case shall the Secretary make payments under this section that would result in payment of hourly fees in excess of the highest hourly rate approved by the District Court for the District of Columbia for counsel in Cobell v. Norton.

SEC. 129. The United States Fish and Wildlife Service shall, in carrying out its responsibilities to protect threatened and endangered species of salmon, implement a system of mass marking of salmonid stocks, intended for harvest, that are released from Federally operated or Federally financed hatcheries including but not limited to fish releases of coho, chinook, and steelhead species. Marked fish must have a visible mark that can be readily identified by commercial and recreational fishers.

SEC. 130. Such sums as may be necessary from ''Departmental Management, Salaries and Expenses'', may be transferred to ''United States Fish and Wildlife Service, Resource Management'' for operational needs at the Midway Atoll National Wildlife Refuge airport.

SEC. 131. (a) IN GENERAL.—Nothing in section 134 of the Department of the Interior and Related Agencies Appropriations Act, 2002 (115 Stat. 443) affects the decision of the United States Court of Appeals for the 10th Circuit in Sac and Fox Nation v. Norton, 240 F.3d 1250 (2001).

(b) USE OF CERTAIN INDIAN LAND.—Nothing in this section permits the conduct of gaming under the Indian Gaming Regulatory Act (25 U.S.C. 2701 et seq.) on land described in section 123 of the Department of the Interior and Related Agencies Appropriations Act, 2001 (114 Stat. 944), or land that is contiguous to that land, regardless of whether the land or contiguous land has been taken into trust by the Secretary of the Interior.

SEC. 132. No funds appropriated for the Department of the Interior by this Act or any other Act shall be used to study or implement any plan to drain Lake Powell or to reduce the water level of the lake below the range of water levels required for the operation of the Glen Canyon Dam.

SEC. 133. Notwithstanding the limitation in subparagraph (2)(B) of section 18(a) of the Indian Gaming Regulatory Act (25 U.S.C. 2717(a)), the total amount of all fees imposed by the National Indian Gaming Commission for fiscal year 2005 shall not exceed $12,000,000.

SEC. 134. The State of Utah's contribution requirement pursuant to Public Law 105–363 shall be deemed to have been satisfied and within thirty days of enactment of this Act, the Secretary of the Interior shall transfer to the State of Utah all right, title, and interest of the United States in and to the Wilcox Ranch lands acquired under section 2(b) of Public Law 105–363, for management by the Utah Division of Wildlife Resources for wildlife habitat and public access to the Ranch as well as to adjacent lands managed by the Bureau of Land Management.

SEC. 135. Upon enactment of this Act, the Congaree Swamp National Monument shall be designated the Congaree National Park.

SEC. 136. (a) Section 122 of division F of Public Law 108–7 is amended as follows:

(1) Paragraph 122(a)(4) is amended to read—

''(4) TRIBALLY CONTROLLED SCHOOL.—The term 'tribally controlled school' means a school that currently receives a grant under the Tribally Controlled Schools Act of 1988, as amended (25 U.S.C. 2501 et seq.) or is determined by the Secretary to meet the eligibility criteria of section 5205 of the Tribally Controlled Schools Act of 1988, as amended (25 U.S.C. 2504).''.

(2) Paragraph 122(b)(1) is amended by striking the second sentence and inserting: ''The Secretary shall ensure that applications for funding to replace schools currently receiving funding for facility operation and maintenance from the Bureau of Indian Affairs receive the highest priority for grants under this section. Among such applications, the Secretary shall give priority to applications of Indian tribes that agree to fund all future facility operation and maintenance costs of the tribally controlled school funded under the demonstration program from other than Federal funds.''.

(3) Subsection (c) is amended by inserting after ''EFFECT OF GRANT.—'' the following: ''(1) Except as provided in paragraph (2) of this subsection,'' and is further amended by adding the following new paragraph:

''(2) A tribe receiving a grant for construction of a tribally controlled school under this section shall not be eligible to receive funding from the Bureau of Indian Affairs for that school for education operations or facility operation and maintenance if the school that was not at the time of the grant: (i) a school receiving funding for education operations or facility operation and maintenance under the Tribally Controlled Schools Act or the Indian Self-Determination and Education Assistance Act or (ii) a school operated by the Bureau of Indian Affairs.''.

(b) Notwithstanding the provisions of paragraph (b)(1) of section 122 of division F of Public Law 108–7, as amended by this Act, the Saginaw-Chippewa tribal school and the Redwater Elementary School shall receive priority for funding available in fiscal year 2004. The Saginaw-Chippewa tribal school shall receive $3,000,000 from prior year funds, and the Redwater Elementary School shall receive $6,000,000 available in fiscal year 2004.

SEC. 137. The Secretary shall have no more than one hundred and eighty days from October 1, 2003, to prepare and submit to the Congress, in a manner otherwise consistent with the Indian Tribal Judgment Funds Use or Distribution Act (25 U.S.C. 1401 et seq.), plans for the use and distribution of the Mescalero Apache Tribe's Judgment Funds from Docket 92–403L, the Pueblo of Isleta's Judgment Funds from Docket 98–166L, and the Assiniboine and Sioux Tribes of the Fort Peck Reservation's Judgment Funds in Docket No. 773–87–L of the United States Court of Federal Claims; each plan shall become effective upon the expiration of a sixty day period beginning on the day each plan is submitted to the Congress.

SEC. 138. (a) SHORT TITLE.—This section may be cited as the ''Eastern Band of Cherokee Indians Land Exchange Act of 2003''.

(b) FINDINGS AND PURPOSES.—

(1) FINDINGS.—Congress finds the following:

(A) Since time immemorial, the ancestors of the Eastern Band of Cherokee Indians have lived in the Great Smoky Mountains of North Carolina. The Eastern Band's ancestral homeland includes substantial parts of seven eastern States and the land that now constitutes the Great Smoky Mountains National Park.

(B) The Eastern Band has proposed a land exchange with the National Park Service and has spent over $1,500,000 for studies to thoroughly inventory the environmental and cultural resources of the proposed land exchange parcels.

(C) Such land exchange would benefit the American public by enabling the National Park Service to acquire the Yellow Face tract, comprising 218 acres of land adjacent to the Blue Ridge Parkway.

(D) Acquisition of the Yellow Face tract for protection by the National Park Service would serve the public interest by preserving important views for Blue Ridge Parkway visitors, preserving habitat for endangered species and threatened species including the northern flying squirrel and the rock gnome lichen, preserving valuable high altitude wetland seeps, and preserving the property from rapidly advancing residential development.

(E) The proposed land exchange would also benefit the Eastern Band by allowing it to acquire the Ravensford tract, comprising 143 acres adjacent to the Tribe's trust territory in Cherokee, North Carolina, and currently within the Great Smoky Mountains National Park and Blue Ridge Parkway. The Ravensford tract is part of the Tribe's ancestral homeland as evidenced by archaeological finds dating back no less than 6,000 years.

(F) The Eastern Band has a critical need to replace the current Cherokee Elementary School, which was built by the Department of the Interior over 40 years ago with a capacity of 480 students. The school now hosts 794 students in dilapidated buildings and mobile classrooms at a dangerous highway intersection in downtown Cherokee, North Carolina.

(G) The Eastern Band ultimately intends to build a new three-school campus to serve as an environmental, cultural, and educational ''village,'' where Cherokee language and culture can be taught alongside the standard curriculum.

(H) The land exchange and construction of this educational village will benefit the American public by preserving Cherokee traditions and fostering a vibrant, modern, and well-educated Indian nation.

(I) The land exchange will also reunify tribal reservation lands now separated between the Big Cove Community and the balance of the Qualla Boundary, reestablishing the territorial integrity of the Eastern Band.

(J) The Ravensford tract contains no threatened species or endangered species listed pursuant to the Endangered Species Act of 1973. The 218-acre Yellow Face tract has a number of listed threatened species and endangered species and a higher appraised value than the 143-acre Ravensford tract.

(K) The American public will benefit from the Eastern Band's commitment to mitigate any impacts on natural and cultural resources on the Ravensford tract, by among other things reducing the requested acreage from 168 to 143 acres.

(L) The Congress and the Department of the Interior have approved land exchanges in the past when the benefits to the public and requesting party are clear, as they are in this case.

(2) PURPOSES.—The purposes of this section are the following:

(A) To acquire the Yellow Face tract for protection by the National Park Service, in order to preserve the Waterrock Knob area's spectacular views, endangered species and high altitude wetland seeps from encroachment by housing development, for the benefit and enjoyment of the American public.

(B) To transfer the Ravensford tract, to be held in trust by the United States for the benefit of the Eastern Band of Cherokee Indians, in order to provide for an education facility that promotes the cultural integrity of the Eastern Band and to reunify two Cherokee communities that were historically contiguous, while mitigating any impacts on natural and cultural resources on the tract.

(C) To promote cooperative activities and partnerships between the Eastern band and the National Park Service within the Eastern Band's ancestral homelands.

(c) LAND EXCHANGE.—

(1) IN GENERAL.—The Secretary of the Interior (''Secretary'') shall exchange the Ravensford tract, currently in the Great Smoky Mountains National Park and the Blue Ridge Parkway, for the Yellow Face tract adjacent to the Waterrock Knob Visitor Center on the Blue Ridge Parkway.

(2) TREATMENT OF EXCHANGED LANDS.—Effective upon receipt by the Secretary of a deed or deeds satisfactory to the Secretary for the lands comprising the Yellow Face tract (as described in subsection (3)) to the United States, all right, title, and interest of the United States in and to the Ravensford tract (as described in subsection (4)), including all improvements and appurtenances, are declared to be held in trust by the United States for the benefit of the Eastern Band of Cherokee Indians as part of the Cherokee Indian Reservation.

(3) YELLOW FACE TRACT.—The Yellow Face tract shall contain Parcels 88 and 89 of the Hornbuckle Tract, Yellow Face Section, Qualla Township, Jackson County, North Carolina, which consist altogether of approximately 218 acres and are depicted as the ''Yellow Face Tract'' on the map entitled ''Land Exchange Between the National Park Service and the Eastern Band of Cherokee Indians,'' numbered 133/80020A, and dated November 2002. The map shall be on file and available for public inspection in the appropriate offices of the National Park Service and the Bureau of Indian Affairs. Upon completion of the land exchange, the Secretary shall adjust the boundary of the Blue Ridge Parkway to include such lands and shall manage the lands as part of the parkway.

(4) RAVENSFORD TRACT.—The lands declared by subsection (2) to be held in trust for the Eastern Band of Cherokee Indians shall consist of approximately 143 acres depicted as the ''Ravensford Tract'' on the map identified in subsection (3). Upon completion of the land exchange, the Secretary shall adjust the boundaries of Great Smoky Mountains National Park and the Blue Ridge Parkway to exclude such lands.

(5) LEGAL DESCRIPTIONS.—Not later than 1 year after the date of enactment of this section, the Secretary of the Interior shall file a legal description of the areas described in subsections (3) and (4) with the Committee on Resources of the House of Representatives and the Committee on Indian Affairs and the Committee on Energy and Natural Resources of the Senate. Such legal descriptions shall have the same force and effect as if the information contained in the description were included in those subsections except that the Secretary may correct clerical and typographical errors in such legal descriptions. The legal descriptions shall be on file and available for public inspection in the offices of the National Park Service and the Bureau of Indian Affairs.

(d) IMPLEMENTATION PROCESS.—

(1) GOVERNMENT-TO-GOVERNMENT AGREEMENTS.—In order to fulfill the purposes of this section and to establish cooperative partnerships for purposes of this section the Director of the National Park Service and the Eastern Band of Cherokee Indians shall enter into government-to-government consultations and shall develop protocols to review planned construction on the Ravensford tract. The Director of the National Park Service is authorized to enter into cooperative agreements with the Eastern Band for the purpose of providing training, management, protection, preservation, and interpretation of the natural and cultural resources on the Ravensford tract.

(2) CONSTRUCTION STANDARDS.—Recognizing the mutual interests and responsibilities of the Eastern Band of Cherokee Indians and the National Park Service for the conservation and protection of the resources on the Ravensford tract, the National Park Service and the Eastern Band shall develop mutually agreed upon standards for size, impact, and design of construction consistent with the purposes of this section on the Ravensford tract. The standards shall be consistent with the Eastern Band's need to develop educational facilities and support infrastructure adequate for current and future generations and shall otherwise minimize or mitigate any adverse impacts on natural or cultural resources. The standards shall be based on recognized best practices for environmental sustainability and shall be reviewed periodically and revised as necessary. Development of the tract shall be limited to a road and utility corridor, an educational campus, and the infrastructure necessary to support such development. No new structures shall be constructed on the part of the Ravensford tract depicted as the ''No New Construction'' area on the map referred to in subsection (c)(3), which is generally the area north of the point where Big Cove Road crosses the Raven Fork River. All development on the Ravensford tract shall be conducted in a manner consistent with this section and such development standards.

(e) GAMING PROHIBITION.—Gaming as defined and regulated by the Indian Gaming Regulatory Act (25 U.S.C. 2701 et seq.) shall be prohibited on the Ravensford tract.

SEC. 139. Notwithstanding any implementation of the Department of the Interior's trust reorganization plan within fiscal years 2003 or 2004, funds appropriated for fiscal year 2004 shall be available to the tribes within the California Tribal Trust Reform Consortium and to the Salt River Pima Maricopa Indian Community, the Confederated Salish-Kootenai Tribes of the Flathead Reservation and the Chippewa Cree Tribe of the Rocky Boys Reservation on the same basis as funds were distributed in fiscal year 2003. This Demonstration Project shall operate separate and apart from the Department of the Interior's trust reform reorganization, and the Department shall not impose its trust management infrastructure upon or alter the existing trust resource management systems of the above referenced tribes having a self-governance compact and operating in accordance with the Tribal Self-Governance Program set forth in 25 U.S.C. Sections 458aa–458hh: Provided, That the California Trust Reform Consortium and any other participating tribe agree to carry out their responsibilites under the same fiduciary standards as those to which the Secretary of the Interior is held: Provided further, That they demonstrate to the satisfaction of the Secretary that they have the capability to do so.

SEC. 140. (a) SHORT TITLE.—This section may be cited as the ''Blue Ridge National Heritage Area Act of 2003''.

(b) FINDINGS AND PURPOSE.—

(1) FINDINGS.—Congress finds that:

(A) The Blue Ridge Mountains and the extensive cultural and natural resources of the Blue Ridge Mountains have played a significant role in the history of the United States and the State of North Carolina.

(B) Archaeological evidence indicates that the Blue Ridge Mountains have been inhabited by humans since the last retreat of the glaciers, with the Native Americans living in the area at the time of European discovery being primarily of Cherokee descent.

(C) The Blue Ridge Mountains of western North Carolina, including the Great Smoky Mountains, played a unique and significant role in the establishment and development of the culture of the United States through several distinct legacies, including—

(i) the craft heritage that—

(I) was first influenced by the Cherokee Indians;

(II) was the origin of the traditional craft movement starting in 1900 and the contemporary craft movement starting in the 1940's; and

(III) is carried out by over 4,000 craftspeople in the Blue Ridge Mountains of western North Carolina, the third largest concentration of such people in the United States;

(ii) a musical heritage comprised of distinctive instrumental and vocal traditions that—

(I) includes stringband music, bluegrass, ballad singing, blues, and sacred music;

(II) has received national recognition; and

(III) has made the region one of the richest repositories of traditional music and folklife in the United States;

(iii) the Cherokee heritage—

(I) dating back thousands of years; and

(II) offering—

(aa) nationally significant cultural traditions practiced by the Eastern Band of Cherokee Indians;

(bb) authentic tradition bearers;

(cc) historic sites; and

(dd) historically important collections of Cherokee artifacts; and

(iv) the agricultural heritage established by the Cherokee Indians, including medicinal and ceremonial food crops, combined with the historic European patterns of raising livestock, culminating in the largest number of specialty crop farms in North Carolina.

(D) The artifacts and structures associated with those legacies are unusually well-preserved.

(E) The Blue Ridge Mountains are recognized as having one of the richest collections of historical resources in North America.

(F) The history and cultural heritage of the Blue Ridge Mountains are shared with the States of Virginia, Tennessee, and Georgia.

(G) there are significant cultural, economic, and educational benefits in celebrating and promoting this mutual heritage.

(H) according to the 2002 reports entitled ''The Blue Ridge Heritage and Cultural Partnership'' and ''Western North Carolina National Heritage Area Feasibility Study and Plan'', the Blue Ridge Mountains contain numerous resources that are of outstanding importance to the history of the United States.

(I) it is in the interest of the United States to preserve and interpret the cultural and historical resources of the Blue Ridge Mountains for the education and benefit of present and future generations.

(2) PURPOSE.—The purpose of this section is to foster a close working relationship with, and to

assist, all levels of government, the private sector, and local communities in the State in managing, preserving, protecting, and interpreting the cultural, historical, and natural resources of the Heritage Area while continuing to develop economic opportunities.

(c) DEFINITIONS.—

(1) In this section:

(A) HERITAGE AREA.—The term ''Heritage Area'' means the Blue Ridge National Heritage Area established by subsection (d).

(B) MANAGEMENT ENTITY.—The term ''management entity'' means the management entity for the Heritage Area designated by subsection (d)(3).

(C) MANAGEMENT PLAN.—The term ''management plan'' means the management plan for the Heritage Area approved under subsection (e).

(D) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

(E) STATE.—The term ''State'' means the State of North Carolina.

(d) BLUE RIDGE NATIONAL HERITAGE AREA.—

(1) ESTABLISHMENT.—There is established the Blue Ridge National Heritage Area in the State.

(2) BOUNDARIES.—The Heritage Area shall consist of the counties of Alleghany, Ashe, Avery, Buncombe, Burke, Caldwell, Cherokee, Clay, Graham, Haywood, Henderson, Jackson, McDowell, Macon, Madison, Mitchell, Polk, Rutherford, Surry, Swain, Transylvania, Watauga, Wilkes, Yadkin, and Yancey in the State.

(3) MANAGEMENT ENTITY.—

(A) IN GENERAL.—As a condition of the receipt of funds made available under subsection (i), the Blue Ridge National Heritage Area Partnership shall be the management entity for the Heritage Area.

(B) BOARD OF DIRECTORS.—

(i) COMPOSITION.—The management entity shall be governed by a board of directors composed of nine members, of whom—

(I) two members shall be appointed by AdvantageWest;

(II) two members shall be appointed by Hand-Made In America, Inc.;

(III) one member shall be appointed by the Education Research Consortium of Western North Carolina;

(IV) one member shall be appointed by the Eastern Band of the Cherokee Indians; and

(V) three members shall be appointed by the Governor of North Carolina and shall—

(aa) reside in geographically diverse regions of the Heritage Area;

(bb) be a representative of State or local governments or the private sector; and

(cc) have knowledge of tourism, economic and community development, regional planning, historic preservation, cultural or natural resources development, regional planning, conservation, recreational services, education, or museum services.

(e) MANAGEMENT PLAN.—

(1) IN GENERAL.—Not later than 3 years after the date of enactment of this section, the management entity shall submit to the Secretary for approval a management plan for the Heritage Area.

(2) CONSIDERATION OF OTHER PLANS AND ACTIONS.—In developing the management plan, the management entity shall—

(A) for the purpose of presenting a unified preservation and interpretation plan, take into consideration Federal, State, and local plans; and

(B) provide for the participation of residents, public agencies, and private organizations in the Heritage Area.

(3) CONTENTS.—The management plan shall—

(A) present comprehensive recommendations and strategies for the conservation, funding, management, and development of the Heritage Area;

(B) identify existing and potential sources of Federal and non-Federal funding for the conservation, management, and development of the Heritage Area; and

(C) include—

(i) an inventory of the cultural, historical, natural, and recreational resources of the Heritage Area, including a list of property that—

(I) relates to the purposes of the Heritage Area; and

(II) should be conserved, restored, managed, developed, or maintained because of the significance of the property;

(ii) a program of strategies and actions for the implementation of the management plan that identifies the roles of agencies and organizations that are involved in the implementation of the management plan;

(iii) an interpretive and educational plan for the Heritage Area;

(iv) a recommendation of policies for resource management and protection that develop intergovernmental cooperative agreements to manage and protect the cultural, historical, natural, and recreational resources of the Heritage Area; and

(v) an analysis of ways in which Federal, State, and local programs may best be coordinated to promote the purposes of this section.

(4) EFFECT OF FAILURE TO SUBMIT.—If a management plan is not submitted to the Secretary by the date described in paragraph (1), the Secretary shall not provide any additional funding under this section until a management plan is submitted to the Secretary.

(5) APPROVAL OR DISAPPROVAL OF MANAGEMENT PLAN.—

(A) IN GENERAL.—Not later than 90 days after receiving the management plan submitted under paragraph (1), the Secretary shall approve or disapprove the management plan.

(B) CRITERIA.—In determining whether to approve the management plan, the Secretary shall consider whether the management plan—

(i) has strong local support from landowners, business interests, nonprofit organizations, and governments in the Heritage Area; and

(ii) has a high potential for effective partnership mechanisms.

(C) ACTION FOLLOWING DISAPPROVAL.—If the Secretary disapproves a management plan under subparagraph (A), the Secretary shall—

(i) advise the management entity in writing of the reasons for the disapproval;

(ii) make recommendations for revisions to the management plan; and

(iii) allow the management entity to submit to the Secretary revisions to the management plan.

(D) DEADLINE FOR APPROVAL OF REVISION.—Not later than 60 days after the date on which a revision is submitted under subparagraph (C)(iii), the Secretary shall approve or disapprove the proposed revision.

(6) AMENDMENT OF APPROVED MANAGEMENT PLAN.—

(A) IN GENERAL.—After approval by the Secretary of a management plan, the management entity shall periodically—

(i) review the management plan; and

(ii) submit to the Secretary, for review and approval, the recommendation of the management entity for any amendments to the management plan.

(B) USE OF FUNDS.—No funds made available under subsection (i) shall be used to implement any amendment proposed by the management entity under subparagraph (A) until the Secretary approves the amendment.

(f) AUTHORITIES AND DUTIES OF THE MANAGEMENT ENTITY.—

(1) AUTHORITIES.—For the purposes of developing and implementing the management plan, the management entity may use funds made available under subsection (i) to—

(A) make grants to, and enter into cooperative agreements with, the State (including a political subdivision), nonprofit organizations, or persons;

(B) hire and compensate staff; and

(C) enter into contracts for goods and services.

(2) DUTIES.—In addition to developing the management plan, the management entity shall—

(A) develop and implement the management plan while considering the interests of diverse units of government, businesses, private property owners, and nonprofit groups in the Heritage Area;

(B) conduct public meetings in the Heritage Area at least semiannually on the development and implementation of the management plan;

(C) give priority to the implementation of actions, goals, and strategies in the management plan, including providing assistance to units of government, nonprofit organizations, and persons in—

(i) carrying out the programs that protect resources in the Heritage Area;

(ii) encouraging economic viability in the Heritage Area in accordance with the goals of the management plan;

(iii) establishing and maintaining interpretive exhibits in the Heritage Area;

(iv) developing recreational and educational opportunities in the Heritage Area; and

(v) increasing public awareness of and appreciation for the cultural, historical, and natural resources of the Heritage Area; and

(D) for any fiscal year for which Federal funds are received under subsection (i)—

(i) submit to the Secretary a report that describes, for the fiscal year—

(I) the accomplishments of the management entity;

(II) the expenses and income of the management entity; and

(III) each entity to which a grant was made;

(ii) make available for audit by Congress, the Secretary, and appropriate units of government, all records relating to the expenditure of funds and any matching funds; and

(iii) require, for all agreements authorizing expenditure of Federal funds by any entity, that the receiving entity make available for audit all records relating to the expenditure of funds.

(3) PROHIBITION ON THE ACQUISITION OF REAL PROPERTY.—The management entity shall not use Federal funds received under subsection (i) to acquire real property or an interest in real property.

(g) TECHNICAL AND FINANCIAL ASSISTANCE.—

(1) IN GENERAL.—The Secretary may provide to the management entity technical assistance and, subject to the availability of appropriations, financial assistance, for use in developing and implementing the management plan.

(2) PRIORITY FOR ASSISTANCE.—In providing assistance under subsection (a), the Secretary shall give priority to actions that facilitate—

(A) the preservation of the significant cultural, historical, natural, and recreational resources of the Heritage Area; and

(B) the provision of educational, interpretive, and recreational opportunities that are consistent with the resources of the Heritage Area.

(h) LAND USE REGULATION.—

(1) IN GENERAL.—Nothing in this section—

(A) grants any power of zoning or land use to the management entity; or

(B) modifies, enlarges, or diminishes any authority of the Federal Government or any State or local government to regulate any use of land under any law (including regulations).

(2) PRIVATE PROPERTY.—Nothing in this section—

(A) abridges the rights of any person with respect to private property;

(B) affects the authority of the State or local government with respect to private property; or

(C) imposes any additional burden on any property owner.

(i) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There is authorized to be appropriated to carry out this section $10,000,000, of which not more than $1,000,000 shall be made available for any fiscal year.

(2) NON-FEDERAL SHARE.—The non-Federal share of the cost of any activities carried out using Federal funds made available under subsection (a) shall be not less than 50 percent.

(j) TERMINATION OF AUTHORITY.—The authority of the Secretary to provide assistance under

this section terminates on the date that is 15 years after the date of enactment of this section.

SEC. 141. (a) PAYMENT TO THE HARRIET TUBMAN HOME, AUBURN, NEW YORK, AUTHORIZED.—(1) The Secretary of the Interior may, using amounts appropriated or otherwise made available by this title, make a payment to the Harriet Tubman Home in Auburn, New York, in the amount of $11,750.

(2) The amount specified in paragraph (1) is the amount of widow's pension that Harriet Tubman should have received from January 1899 to March 1913 under various laws authorizing pension for the death of her husband, Nelson Davis, a deceased veteran of the Civil War, but did not receive, adjusted for inflation since March 1913.

(b) USE OF AMOUNTS.—The Harriet Tubman Home shall use amounts paid under subsection (a) for the purposes of—

(1) preserving and maintaining the Harriet Tubman Home; and

(2) honoring the memory of Harriet Tubman.

SEC. 142. Nonrenewable grazing permits authorized in the Jarbidge Field Office, Bureau of Land Management within the past seven years shall be renewed under section 402 of the Federal Land Policy and Management Act of 1976, as amended (43 U.S.C. 1752) and under section 3 of the Taylor Grazing Act of 1934, as amended (43 U.S.C. 315b). The terms and conditions contained in the most recently expired nonrenewable grazing permit shall continue in effect under the renewed permit. Upon completion of any required analysis or documentation, the permit may be canceled, suspended or modified, in whole or in part, to meet the requirements of applicable laws and regulations. Nothing in this section shall be deemed to extend the nonrenewable permits beyond the standard one-year term.

SEC. 143. INTERIM COMPENSATION PAYMENTS.—Section 2303(b) of Public Law 106–246 (114 Stat. 549) is amended by inserting before the period at the end the following: '', unless the amount of the interim compensation exceeds the amount of the final compensation''.

SEC. 144. Pursuant to section 10101f(d)(3) of the Omnibus Budget Reconciliation Act of 1993 (30 U.S.C. 28f(d)(3), the following claims shall be given notice of defect and the opportunity to cure: AKFF054162–AKFF054163, AKFF054165–AKFF054166, and AKFF054170–AKFF054171.

SEC. 145. None of the funds appropriated or otherwise made available by this or any other Act, hereafter enacted, may be used to permit the use of the National Mall for a special event, unless the permit expressly prohibits the erection, placement, or use of structures and signs bearing commercial advertising. The Secretary may allow for recognition of sponsors of special events: Provided, That the size and form of the recognition shall be consistent with the special nature and sanctity of the Mall and any lettering or design identifying the sponsor shall be no larger than one-third the size of the lettering or design identifying the special event. In approving special events, the Secretary shall ensure, to the maximum extent practicable, that public use of, and access to the Mall is not restricted. For purposes of this section, the term ''special event'' shall have the meaning given to it by section 7.96(g)(1)(ii) of title 36, Code of Federal Regulations.

SEC. 146. In addition to amounts provided to the Department of the Interior in this Act, $5,000,000 is provided for a grant to Kendall County, Illinois.

SEC. 147. CONVEYANCE TO THE CITY OF LAS VEGAS, NEVADA.—Section 705(b) of the Clark County Conservation of Public Land and Natural Resources Act of 2002 (116 Stat. 2015) is amended by inserting after ''map'' the following: ''and the approximately 10 acres of land in Clark County, Nevada, described as the NW¼ SE¼ SW¼ of section 28, T. 20 S., R. 60 E., Mount Diablo Base and Meridian''.

SEC. 148. CONGAREE SWAMP NATIONAL MONUMENT BOUNDARY REVISION.—The first section of Public Law 94–545 (90 Stat. 2517; 102 Stat. 2607) is amended—

(1) in subsection (b), by striking the last sentence; and

(2) by adding at the end the following:

''(c) ACQUISITION OF ADDITIONAL LAND.—

''(1) IN GENERAL.—The Secretary may acquire by donation, by purchase from a willing seller with donated or appropriated funds, by transfer, or by exchange, land or an interest in land described in paragraph (2) for inclusion in the monument.

''(2) DESCRIPTION OF LAND.—The land referred to in paragraph (1) is the approximately 4,576 acres of land adjacent to the Monument, as depicted on the map entitled ''Congaree National Park Boundary Map'', numbered 178/80015, and dated August 2003.

''(3) AVAILABILITY OF MAP.—The map referred to in paragraph (2) shall be on file and available for public inspection in the appropriate offices of the National Park Service.

''(4) BOUNDARY REVISION.—On acquisition of the land or an interest in land under paragraph (1), the Secretary shall revise the boundary of the monument to reflect the acquisition.

''(5) ADMINISTRATION.—Any land acquired by the Secretary under paragraph (1) shall be administered by the Secretary as part of the monument.

''(6) EFFECT.—Nothing in this section—

''(A) affects the use of private land adjacent to the monument;

''(B) preempts the authority of the State with respect to the regulation of hunting, fishing, boating, and wildlife management on private land or water outside the boundaries of the monument; or

''(C) negatively affects the economic development of the areas surrounding the monument.

''(d) ACREAGE LIMITATION.—The total acreage of the monument shall not exceed 26,776 acres.''.

SEC. 149. Section 104 (16 U.S.C. 1374) is amended in subsection (c)(5)(D) by striking ''the date of the enactment of the Marine Mammal Protection Act Amendments of 1994'' and inserting ''February 18, 1997''.

SEC. 150. The National Park Service shall issue a special regulation concerning continued hunting at New River Gorge National River in compliance with the requirements of the Administrative Procedures Act, with opportunity for public comment, and shall also comply with the National Environmental Policy Act as appropriate. Notwithstanding any other provision of law, the September 25, 2003 interim final rule authorizing continued hunting at New River Gorge National River shall be in effect until the final special regulation supercedes it.

TITLE II—RELATED AGENCIES

DEPARTMENT OF AGRICULTURE

FOREST SERVICE

FOREST AND RANGELAND RESEARCH

For necessary expenses of forest and rangeland research as authorized by law, $269,710,000, to remain available until expended: Provided, That of the funds provided, $52,359,000 is for the forest inventory and analysis program.

STATE AND PRIVATE FORESTRY

For necessary expenses of cooperating with and providing technical and financial assistance to States, territories, possessions, and others, and for forest health management, including treatments of pests, pathogens, and invasive or noxious plants and for restoring and rehabilitating forests damaged by pests or invasive plants, cooperative forestry, and education and land conservation activities and conducting an international program as authorized, $308,140,000, to remain available until expended, as authorized by law of which $64,934,000 is to be derived from the Land and Water Conservation Fund: Provided, That none of the funds provided under this heading for the acquisition of lands or interests in lands shall be available until the Forest Service notifies the House Committee on Appropriations and the Senate Committee on Appropriations, in writing, of specific contractual and grant details including the non-Federal cost share of each project, related to the acquisition of lands or interests in lands to be undertaken with such funds: Provided further, That each forest legacy grant shall be for a specific project or set of specific tasks: Provided further, That grants for acquisition of lands or conservation easements shall require that the State demonstrates that 25 percent of the total value of the project is comprised of a non-Federal cost share: Provided further, That notwithstanding any other provision of law, of the funds provided under this heading, $500,000 shall be made available to Kake Tribal Corporation as an advance direct lump sum payment to implement the Kake Tribal Corporation Land Transfer Act (Public Law 106–283).

NATIONAL FOREST SYSTEM

For necessary expenses of the Forest Service, not otherwise provided for, for management, protection, improvement, and utilization of the National Forest System, $1,382,916,000, to remain available until expended, which shall include 50 percent of all moneys received during prior fiscal years as fees collected under the Land and Water Conservation Fund Act of 1965, as amended, in accordance with section 4 of the Act (16 U.S.C. 460l–6a(i)): Provided, That unobligated balances available at the start of fiscal year 2004 shall be displayed by budget line item in the fiscal year 2005 budget justification: Provided further, That the Secretary may authorize the expenditure or transfer of such sums as necessary to the Department of the Interior, Bureau of Land Management, for removal, preparation, and adoption of excess wild horses and burros from National Forest System lands, and for the performance of cadastral surveys to designate the boundaries of such lands: Provided further, That of the funds provided under this heading for Forest Products, $5,000,000 shall be allocated to the Alaska Region, in addition to its normal allocation for the purposes of preparing additional timber for sale, to establish a 3-year timber supply and such funds may be transferred to other appropriations accounts as necessary to maximize accomplishment: Provided further, That of the funds provided under this heading, $3,150,000 is for expenses required to implement title I of Public Law 106–248, to be segregated in a separate fund established by the Secretary of Agriculture: Provided further, That within funds available for the purpose of implementing the Valles Caldera Preservation Act, notwithstanding the limitations of section 107(e)(2) of the Valles Caldera Preservation Act (Public Law 106–248), for fiscal year 2004, the Chair of the Board of Trustees of the Valles Caldera Trust may receive, upon request, compensation for each day (including travel time) that the Chair is engaged in the performance of the functions of the Board, except that compensation shall not exceed the daily equivalent of the annual rate in effect for members of the Senior Executive Service at the ES–1 level, and shall be in addition to any reimbursement for travel, subsistence and other necessary expenses incurred by the Chair in the performance of the Chair's duties.

For an additional amount to reimburse the Judgment Fund as required by 41 U.S.C. 612(c) for judgment liabilities previously incurred, $188,405,000.

WILDLAND FIRE MANAGEMENT

For necessary expenses for forest fire presuppression activities on National Forest System lands, for emergency fire suppression on or adjacent to such lands or other lands under fire protection agreement, hazardous fuels reduction on or adjacent to such lands, and for emergency rehabilitation of burned-over National Forest System lands and water, $1,643,212,000, to remain available until expended: Provided, That such funds including

unobligated balances under this head, are available for repayment of advances from other appropriations accounts previously transferred for such purposes: Provided further, That such funds shall be available to reimburse State and other cooperating entities for services provided in response to wildfire and other emergencies or disasters to the extent such reimbursements by the Forest Service for non-fire emergencies are fully repaid by the responsible emergency management agency: Provided further, That not less than 50 percent of any unobligated balances remaining (exclusive of amounts for hazardous fuels reduction) at the end of fiscal year 2003 shall be transferred, as repayment for past advances that have not been repaid, to the fund established pursuant to section 3 of Public Law 71–319 (16 U.S.C. 576 et seq.): Provided further, That notwithstanding any other provision of law, $8,000,000 of funds appropriated under this appropriation shall be used for Fire Science Research in support of the Joint Fire Science Program: Provided further, That all authorities for the use of funds, including the use of contracts, grants, and cooperative agreements, available to execute the Forest and Rangeland Research appropriation, are also available in the utilization of these funds for Fire Science Research: Provided further, That funds provided shall be available for emergency rehabilitation and restoration, hazardous fuels reduction activities in the urban-wildland interface, support to Federal emergency response, and wildfire suppression activities of the Forest Service: Provided further, That of the funds provided, $236,392,000 is for hazardous fuels reduction activities, $7,000,000 is for rehabilitation and restoration, $22,300,000 is for research activities and to make competitive research grants pursuant to the Forest and Rangeland Renewable Resources Research Act, as amended (16 U.S.C. 1641 et seq.), $51,700,000 is for State fire assistance, $8,240,000 is for volunteer fire assistance, $25,000,000 is for forest health activities on State, private, and Federal lands: Provided further, That amounts in this paragraph may be transferred to the ''State and Private Forestry'', ''National Forest System'', and ''Forest and Rangeland Research'' accounts to fund State fire assistance, volunteer fire assistance, forest health management, forest and rangeland research, vegetation and watershed management, heritage site rehabilitation, and wildlife and fish habitat management and restoration: Provided further, That transfers of any amounts in excess of those authorized in this paragraph, shall require approval of the House and Senate Committees on Appropriations in compliance with reprogramming procedures contained in the statement of managers accompanying this Act: Provided further, That the costs of implementing any cooperative agreement between the Federal Government and any non-Federal entity may be shared, as mutually agreed on by the affected parties: Provided further, That in addition to funds provided for State Fire Assistance programs, and subject to all authorities available to the Forest Service under the State and Private Forestry Appropriations, up to $15,000,000 may be used on adjacent non-Federal lands for the purpose of protecting communities when hazard reduction activities are planned on national forest lands that have the potential to place such communities at risk: Provided further, That included in funding for hazardous fuel reduction is $5,000,000 for implementing the Community Forest Restoration Act, Public Law 106–393, title VI, and any portion of such funds shall be available for use on non-Federal lands in accordance with authorities available to the Forest Service under the State and Private Forestry Appropriation: Provided further, That in using the funds provided in this Act for hazardous fuels reduction activities, the Secretary of Agriculture may conduct fuel reduction treatments on Federal lands using all contracting and hiring authorities available to the Secretary applicable to hazardous fuel reduction activities under the wildland fire management accounts: Provided further, That notwithstanding Federal Government procurement and contracting laws, the Secretaries may conduct fuel reduction treatments, rehabilitation and restoration, and other activities authorized under this heading on and adjacent to Federal lands using grants and cooperative agreements: Provided further, That notwithstanding Federal Government procurement and contracting laws, in order to provide employment and training opportunities to people in rural communities, the Secretaries may award contracts, including contracts for monitoring activities, to local private, non-profit, or cooperative entities; Youth Conservation Corps crews or related partnerships, with State, local and non-profit youth groups; small or micro-businesses; or other entities that will hire or train a significant percentage of local people to complete such contracts: Provided further, That the authorities described above relating to contracts, grants, and cooperative agreements are available until all funds provided in this title for hazardous fuels reduction activities in the urban wildland interface are obligated: Provided further, That the Secretary of the Interior and the Secretary of Agriculture may authorize the transfer of funds appropriated for wildland fire management, in an aggregate amount not to exceed $12,000,000, between the Departments when such transfers would facilitate and expedite jointly funded wildland fire management programs and projects.

For an additional amount, $301,000,000, to repay prior year advances from other appropriations from which funds were transferred for wildfire suppression and emergency rehabilitation activities: Provided, That this additional amount is designated by the Congress as an emergency requirement pursuant to section 502 of H. Con. Res. 95 (108th Congress), the concurrent resolution on the budget for fiscal year 2004: Provided further, That this additional amount and $253,000,000 of the funds appropriated to the Forest Service for the repayment of advances for fire suppression in Public Law 108–83, shall be transferred to the following Forest Service accounts: $96,000,000 to the Land Acquisition account, $95,000,000 to the Capital Improvement and Maintenance account, $9,000,000 to the Working Capital Fund, $52,000,000 to the National Forest System account, $31,000,000 to the State and Private Forestry account, $10,000,000 to the Forest and Rangeland Research account, $35,000,000 to the Salvage Sale fund, $28,000,000 to the Timber Purchaser Election account, $154,000,000 to the Knutson Vandenburg fund, $20,000,000 to the Brush Disposal account, $14,000,000 to the Forest Service Recreation Fee Demonstration fund, and $10,000,000 to the Forest Land Enhancement Program account.

CAPITAL IMPROVEMENT AND MAINTENANCE

For necessary expenses of the Forest Service, not otherwise provided for, $562,154,000, to remain available until expended for construction, reconstruction, maintenance and acquisition of buildings and other facilities, and for construction, reconstruction, repair, decommissioning, and maintenance of forest roads and trails by the Forest Service as authorized by 16 U.S.C. 532–538 and 23 U.S.C. 101 and 205: Provided, That up to $15,000,000 of the funds provided herein for road maintenance shall be available for the decommissioning of roads, including unauthorized roads not part of the transportation system, which are no longer needed: Provided further, That no funds shall be expended to decommission any system road until notice and an opportunity for public comment has been provided on each decommissioning project: Provided further, That the Forest Service shall transfer $350,000 appropriated in Public Law 108–7 within the Capital Improvement and Maintenance appropriation to the State and Private Forestry appropriation, and shall provide these funds for planning and construction of backcountry huts in Alaska.

LAND ACQUISITION

For expenses necessary to carry out the provisions of the Land and Water Conservation Fund Act of 1965, as amended (16 U.S.C. 460l–4 through 11), including administrative expenses, and for acquisition of land or waters, or interest therein, in accordance with statutory authority applicable to the Forest Service, $67,191,000, to be derived from the Land and Water Conservation Fund and to remain available until expended: Provided, That notwithstanding any limitations of the Land and Water Conservation Fund Act (16 U.S.C. 460l–9), the Secretary of Agriculture is henceforth authorized to utilize any funds appropriated under this heading from the Land and Water Conservation Fund to acquire Mental Health Trust lands in Alaska and, upon Federal acquisition, the boundaries of the Tongass National Forest shall be deemed modified to include such lands.

ACQUISITION OF LANDS FOR NATIONAL FORESTS SPECIAL ACTS

For acquisition of lands within the exterior boundaries of the Cache, Uinta, and Wasatch National Forests, Utah; the Toiyabe National Forest, Nevada; and the Angeles, San Bernardino, Sequoia, and Cleveland National Forests, California, as authorized by law, $1,069,000, to be derived from forest receipts.

ACQUISITION OF LANDS TO COMPLETE LAND EXCHANGES

For acquisition of lands, such sums, to be derived from funds deposited by State, county, or municipal governments, public school districts, or other public school authorities, and for authorized expenditures from funds deposited by non-federal parties pursuant to Land Sale and Exchange Acts, pursuant to the Act of December 4, 1967, as amended (16 U.S.C. 484a), to remain available until expended.

RANGE BETTERMENT FUND

For necessary expenses of range rehabilitation, protection, and improvement, 50 percent of all moneys received during the prior fiscal year, as fees for grazing domestic livestock on lands in National Forests in the 16 Western States, pursuant to section 401(b)(1) of Public Law 94–579, as amended, to remain available until expended, of which not to exceed 6 percent shall be available for administrative expenses associated with on-the-ground range rehabilitation, protection, and improvements.

GIFTS, DONATIONS AND BEQUESTS FOR FOREST AND RANGELAND RESEARCH

For expenses authorized by 16 U.S.C. 1643(b), $92,000, to remain available until expended, to be derived from the fund established pursuant to the above Act.

MANAGEMENT OF NATIONAL FOREST LANDS FOR SUBSISTENCE USES

For necessary expenses of the Forest Service to manage federal lands in Alaska for subsistence uses under title VIII of the Alaska National Interest Lands Conservation Act (Public Law 96–487), $5,535,000, to remain available until expended.

ADMINISTRATIVE PROVISIONS, FOREST SERVICE

Appropriations to the Forest Service for the current fiscal year shall be available for: (1) purchase of not to exceed 124 passenger motor vehicles of which 21 will be used primarily for law enforcement purposes and of which 124 shall be for replacement; acquisition of 25 passenger motor vehicles from excess sources, and hire of such vehicles; operation and maintenance of aircraft to maintain the operable fleet at 195 aircraft for use in Forest Service wildland fire programs and other Forest Service programs; notwithstanding other provisions of law, existing aircraft being replaced may be sold, with proceeds derived or trade-in value used to offset the purchase price for the replacement aircraft; (2) services pursuant to 7 U.S.C. 2225, and not to exceed $100,000 for employment under

5 U.S.C. 3109; (3) purchase, erection, and alteration of buildings and other public improvements (7 U.S.C. 2250); (4) acquisition of land, waters, and interests therein pursuant to 7 U.S.C. 428a; (5) for expenses pursuant to the Volunteers in the National Forest Act of 1972 (16 U.S.C. 558a, 558d, and 558a note); (6) the cost of uniforms as authorized by 5 U.S.C. 5901–5902; and (7) for debt collection contracts in accordance with 31 U.S.C. 3718(c).

None of the funds made available under this Act shall be obligated or expended to abolish any region, to move or close any regional office for National Forest System administration of the Forest Service, Department of Agriculture without the consent of the House and Senate Committees on Appropriations.

Any appropriations or funds available to the Forest Service may be transferred to the Wildland Fire Management appropriation for forest firefighting, emergency rehabilitation of burned-over or damaged lands or waters under its jurisdiction, and fire preparedness due to severe burning conditions if and only if all previously appropriated emergency contingent funds under the heading ''Wildland Fire Management'' have been released by the President and apportioned and all wildfire suppression funds under the heading ''Wildland Fire Management'' are obligated.

The first transfer of funds into the Wildland Fire Management account shall include unobligated funds, if available, from the Land Acquisition account and the Forest Legacy program within the State and Private Forestry account.

Funds appropriated to the Forest Service shall be available for assistance to or through the Agency for International Development and the Foreign Agricultural Service in connection with forest and rangeland research, technical information, and assistance in foreign countries, and shall be available to support forestry and related natural resource activities outside the United States and its territories and possessions, including technical assistance, education and training, and cooperation with United States and international organizations.

None of the funds made available to the Forest Service under this Act shall be subject to transfer under the provisions of section 702(b) of the Department of Agriculture Organic Act of 1944 (7 U.S.C. 2257) or 7 U.S.C. 147b unless the proposed transfer is approved in advance by the House and Senate Committees on Appropriations in compliance with the reprogramming procedures contained in the statement of managers accompanying this Act.

None of the funds available to the Forest Service may be reprogrammed without the advance approval of the House and Senate Committees on Appropriations in accordance with the reprogramming procedures contained in the statement of managers accompanying this Act.

No funds available to the Forest Service shall be transferred to the Working Capital Fund of the Department of Agriculture that exceed the total amount transferred during fiscal year 2000 for such purposes without the advance approval of the House and Senate Committees on Appropriations.

Funds available to the Forest Service shall be available to conduct a program of not less than $2,000,000 for high priority projects within the scope of the approved budget which shall be carried out by the Youth Conservation Corps.

Of the funds available to the Forest Service, $2,500 is available to the Chief of the Forest Service for official reception and representation expenses.

Pursuant to sections 405(b) and 410(b) of Public Law 101–593, of the funds available to the Forest Service, $3,000,000 may be advanced in a lump sum to the National Forest Foundation to aid conservation partnership projects in support of the Forest Service mission, without regard to when the Foundation incurs expenses, for administrative expenses or projects on or benefitting National Forest System lands or related to Forest Service programs: Provided, That of the Federal funds made available to the Foundation, no more than $350,000 shall be available for administrative expenses: Provided further, That the Foundation shall obtain, by the end of the period of Federal financial assistance, private contributions to match on at least one-for-one basis funds made available by the Forest Service: Provided further, That the Foundation may transfer Federal funds to a non-Federal recipient for a project at the same rate that the recipient has obtained the non-Federal matching funds: Provided further, That authorized investments of Federal funds held by the Foundation may be made only in interest-bearing obligations of the United States or in obligations guaranteed as to both principal and interest by the United States.

Pursuant to section 2(b)(2) of Public Law 98–244, $2,650,000 of the funds available to the Forest Service shall be available for matching funds to the National Fish and Wildlife Foundation, as authorized by 16 U.S.C. 3701–3709, and may be advanced in a lump sum to aid conservation partnership projects in support of the Forest Service mission, without regard to when expenses are incurred, for projects on or benefitting National Forest System lands or related to Forest Service programs: Provided, That the Foundation shall obtain, by the end of the period of Federal financial assistance, private contributions to match on at least one-for-one basis funds advanced by the Forest Service: Provided further, That the Foundation may transfer Federal funds to a non-Federal recipient for a project at the same rate that the recipient has obtained the non-Federal matching funds.

Funds appropriated to the Forest Service shall be available for interactions with and providing technical assistance to rural communities for sustainable rural development purposes.

Funds appropriated to the Forest Service shall be available for payments to counties within the Columbia River Gorge National Scenic Area, pursuant to sections 14(c)(1) and (2), and section 16(a)(2) of Public Law 99–663.

Not later than 60 days after the date of the enactment of this Act, the Secretary of Agriculture shall submit to Congress, and make available to interested persons, a report containing the results of a management review of outfitter and guiding operations in the John Muir, Ansel Adams, and Dinkey Lakes Wilderness Areas of the Inyo and Sierra National Forests, California. The report shall include information regarding: (1) how the Secretary intends to minimize adverse impacts on the historic access rights of special use permittees in these three wilderness areas; and (2) how the Secretary intends to ensure timely compliance with the requirements of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

Notwithstanding any other provision of law, any appropriations or funds available to the Forest Service not to exceed $500,000 may be used to reimburse the Office of the General Counsel (OGC), Department of Agriculture, for travel and related expenses incurred as a result of OGC assistance or participation requested by the Forest Service at meetings, training sessions, management reviews, land purchase negotiations and similar non-litigation related matters. Future budget justifications for both the Forest Service and the Department of Agriculture should clearly display the sums previously transferred and the requested funding transfers.

Any appropriations or funds available to the Forest Service may be used for necessary expenses in the event of law enforcement emergencies as necessary to protect natural resources and public or employee safety: Provided, That such amounts shall not exceed $1,000,000.

From funds available to the Forest Service in this Act for payment of costs in accordance with subsection 413(d) of Title IV, Public Law 108–7, $3,000,000 shall be transferred by the Secretary of Agriculture to the Secretary of the Treasury to make reimbursement payments as provided in such subsection.

The Secretary of Agriculture may authorize the sale of excess buildings, facilities, and other properties owned by the Forest Service and located on the Green Mountain National Forest, the revenues of which shall be retained by the Forest Service and available to the Secretary without further appropriation and until expended for maintenance and rehabilitation activities on the Green Mountain National Forest.

The Secretary of Agriculture may transfer or reimburse funds available to the Forest Service, not to exceed $15,000,000, to the Secretary of the Interior or the Secretary of Commerce to expedite conferencing and consultations as required under section 7 of the Endangered Species Act, 16 U.S.C. 1536. The amount of the transfer or reimbursement shall be as mutually agreed by the Secretary of Agriculture and the Secretary of the Interior or Secretary of Commerce, as applicable, or their designees. The amount shall in no case exceed the actual costs of consultation and conferencing.

Beginning on June 30, 2001 and concluding on December 31, 2004, an eligible individual who is employed in any project funded under Title V of the Older American Act of 1965 (42 U.S.C. 3056 et seq.) and administered by the Forest Service shall be considered to be a Federal employee for purposes of chapter 171 of title 28, United States Code.

Any funds appropriated to the Forest Service may be used to meet the non-Federal share requirement in section 502(c) of the Older American Act of 1965 (42 U.S.C. 3056(c)(2)).

The Secretary of Agriculture may authorize the sale of excess buildings, facilities, and other properties owned by the Forest Service and located on the Wasatch-Cache National Forest, the revenues of which shall be retained by the Forest Service and available to the Secretary without further appropriation and until expended for acquisition and construction of administrative sites on the Wasatch-Cache National Forest.

DEPARTMENT OF ENERGY

CLEAN COAL TECHNOLOGY

(DEFERRAL AND RESCISSION)

Of the funds made available under this heading for obligation in prior years, $97,000,000 shall not be available until October 1, 2004, and $88,000,000 are rescinded: Provided, That funds made available in previous appropriations Acts shall be available for any ongoing project regardless of the separate request for proposal under which the project was selected.

FOSSIL ENERGY RESEARCH AND DEVELOPMENT

For necessary expenses in carrying out fossil energy research and development activities, under the authority of the Department of Energy Organization Act (Public Law 95–91), including the acquisition of interest, including defeasible and equitable interests in any real property or any facility or for plant or facility acquisition or expansion, and for conducting inquiries, technological investigations and research concerning the extraction, processing, use, and disposal of mineral substances without objectionable social and environmental costs (30 U.S.C. 3, 1602, and 1603), $681,163,000, to remain available until expended, of which $4,000,000 is to continue a multi-year project for construction, renovation, furnishing, and demolition or removal of buildings at National Energy Technology Laboratory facilities in Morgantown, West Virginia and Pittsburgh, Pennsylvania; of which not to exceed $536,000 may be utilized for travel and travel-related expenses incurred by the headquarters staff of the Office of Fossil Energy; and of which $172,000,000 are to be made available, after coordination with the private sector, for a request for proposals for a Clean Coal Power Initiative providing for competitively-awarded research, development, and demonstration projects to reduce the barriers to continued and expanded coal use: Provided, That

no project may be selected for which sufficient funding is not available to provide for the total project: Provided further, That funds shall be expended in accordance with the provisions governing the use of funds contained under the heading ''Clean Coal Technology'' in 42 U.S.C. 5903d: Provided further, That the Department may include provisions for repayment of Government contributions to individual projects in an amount up to the Government contribution to the project on terms and conditions that are acceptable to the Department including repayments from sale and licensing of technologies from both domestic and foreign transactions: Provided further, That such repayments shall be retained by the Department for future coal-related research, development and demonstration projects: Provided further, That any technology selected under this program shall be considered a Clean Coal Technology, and any project selected under this program shall be considered a Clean Coal Technology Project, for the purposes of 42 U.S.C. 7651n, and Chapters 51, 52, and 60 of title 40 of the Code of Federal Regulations: Provided further, That no part of the sum herein made available shall be used for the field testing of nuclear explosives in the recovery of oil and gas: Provided further, That up to 4 percent of program direction funds available to the National Energy Technology Laboratory may be used to support Department of Energy activities not included in this account.

NAVAL PETROLEUM AND OIL SHALE RESERVES

For expenses necessary to carry out naval petroleum and oil shale reserve activities, $18,219,000, to remain available until expended: Provided, That, notwithstanding any other provision of law, unobligated funds remaining from prior years shall be available for all naval petroleum and oil shale reserve activities.

ELK HILLS SCHOOL LANDS FUND

For necessary expenses in fulfilling installment payments under the Settlement Agreement entered into by the United States and the State of California on October 11, 1996, as authorized by section 3415 of Public Law 104–106, $36,000,000, to become available on October 1, 2004 for payment to the State of California for the State Teachers' Retirement Fund from the Elk Hills School Lands Fund.

ENERGY CONSERVATION

For necessary expenses in carrying out energy conservation activities, $888,937,000, to remain available until expended: Provided, That $274,500,000 shall be for use in energy conservation grant programs as defined in section 3008(3) of Public Law 99–509 (15 U.S.C. 4507): Provided further, That notwithstanding section 3003(d)(2) of Public Law 99–509, such sums shall be allocated to the eligible programs as follows: $230,000,000 for weatherization assistance grants and $44,500,000 for State energy program grants.

ECONOMIC REGULATION

For necessary expenses in carrying out the activities of the Office of Hearings and Appeals, $1,047,000, to remain available until expended.

STRATEGIC PETROLEUM RESERVE

For necessary expenses for Strategic Petroleum Reserve facility development and operations and program management activities pursuant to the Energy Policy and Conservation Act of 1975, as amended (42 U.S.C. 6201 et seq.), $173,081,000, to remain available until expended.

NORTHEAST HOME HEATING OIL RESERVE

For necessary expenses for Northeast Home Heating Oil Reserve storage, operations, and management activities pursuant to the Energy Policy and Conservation Act of 2000, $5,000,000, to remain available until expended.

ENERGY INFORMATION ADMINISTRATION

For necessary expenses in carrying out the activities of the Energy Information Administration, $82,111,000, to remain available until expended.

ADMINISTRATIVE PROVISIONS, DEPARTMENT OF ENERGY

Appropriations under this Act for the current fiscal year shall be available for hire of passenger motor vehicles; hire, maintenance, and operation of aircraft; purchase, repair, and cleaning of uniforms; and reimbursement to the General Services Administration for security guard services.

From appropriations under this Act, transfers of sums may be made to other agencies of the Government for the performance of work for which the appropriation is made.

None of the funds made available to the Department of Energy under this Act shall be used to implement or finance authorized price support or loan guarantee programs unless specific provision is made for such programs in an appropriations Act.

The Secretary is authorized to accept lands, buildings, equipment, and other contributions from public and private sources and to prosecute projects in cooperation with other agencies, Federal, State, private or foreign: Provided, That revenues and other moneys received by or for the account of the Department of Energy or otherwise generated by sale of products in connection with projects of the Department appropriated under this Act may be retained by the Secretary of Energy, to be available until expended, and used only for plant construction, operation, costs, and payments to cost-sharing entities as provided in appropriate cost-sharing contracts or agreements: Provided further, That the remainder of revenues after the making of such payments shall be covered into the Treasury as miscellaneous receipts: Provided further, That any contract, agreement, or provision thereof entered into by the Secretary pursuant to this authority shall not be executed prior to the expiration of 30 calendar days (not including any day in which either House of Congress is not in session because of adjournment of more than 3 calendar days to a day certain) from the receipt by the Speaker of the House of Representatives and the President of the Senate of a full comprehensive report on such project, including the facts and circumstances relied upon in support of the proposed project.

No funds provided in this Act may be expended by the Department of Energy to prepare, issue, or process procurement documents for programs or projects for which appropriations have not been made.

In addition to other authorities set forth in this Act, the Secretary may accept fees and contributions from public and private sources, to be deposited in a contributed funds account, and prosecute projects using such fees and contributions in cooperation with other Federal, State or private agencies or concerns.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

INDIAN HEALTH SERVICE

INDIAN HEALTH SERVICES

For expenses necessary to carry out the Act of August 5, 1954 (68 Stat. 674), the Indian Self-Determination Act, the Indian Health Care Improvement Act, and titles II and III of the Public Health Service Act with respect to the Indian Health Service, $2,561,932,000, together with payments received during the fiscal year pursuant to 42 U.S.C. 238(b) for services furnished by the Indian Health Service: Provided, That funds made available to tribes and tribal organizations through contracts, grant agreements, or any other agreements or compacts authorized by the Indian Self-Determination and Education Assistance Act of 1975 (25 U.S.C. 450), shall be deemed to be obligated at the time of the grant or contract award and thereafter shall remain available to the tribe or tribal organization without fiscal year limitation: Provided further, That up to $18,000,000 shall remain available until expended, for the Indian Catastrophic Health Emergency Fund: Provided further, That $467,046,000 for contract medical care shall remain available for obligation until September 30, 2005: Provided further, That of the funds provided, up to $27,000,000 to remain available until expended, shall be used to carry out the loan repayment program under section 108 of the Indian Health Care Improvement Act: Provided further, That funds provided in this Act may be used for one-year contracts and grants which are to be performed in two fiscal years, so long as the total obligation is recorded in the year for which the funds are appropriated: Provided further, That the amounts collected by the Secretary of Health and Human Services under the authority of title IV of the Indian Health Care Improvement Act shall remain available until expended for the purpose of achieving compliance with the applicable conditions and requirements of titles XVIII and XIX of the Social Security Act (exclusive of planning, design, or construction of new facilities): Provided further, That funding contained herein, and in any earlier appropriations Acts for scholarship programs under the Indian Health Care Improvement Act (25 U.S.C. 1613) shall remain available until expended: Provided further, That amounts received by tribes and tribal organizations under title IV of the Indian Health Care Improvement Act shall be reported and accounted for and available to the receiving tribes and tribal organizations until expended: Provided further, That, notwithstanding any other provision of law, of the amounts provided herein, not to exceed $270,734,000 shall be for payments to tribes and tribal organizations for contract or grant support costs associated with contracts, grants, self-governance compacts or annual funding agreements between the Indian Health Service and a tribe or tribal organization pursuant to the Indian Self-Determination Act of 1975, as amended, prior to or during fiscal year 2004, of which not to exceed $2,500,000 may be used for contract support costs associated with new or expanded self-determination contracts, grants, self-governance compacts or annual funding agreements: Provided further, That funds available for the Indian Health Care Improvement Fund may be used, as needed, to carry out activities typically funded under the Indian Health Facilities account: Provided further, That of the amounts provided to the Indian Health Service, $15,000,000 is provided for alcohol control, enforcement, prevention, treatment, sobriety and wellness, and education in Alaska to be distributed as direct lump sum payments as follows: (a) $2,000,000 to the State of Alaska for regional distribution to hire and equip additional Village Public Safety Officers to engage primarily in bootlegging prevention and enforcement activities; (b) $5,000,000 to the Alaska Native Tribal Health Consortium, which shall be allocated for (1) substance abuse and behavioral health counselors through the Counselor in Every Village program, and (2) comprehensive substance abuse training programs for counselors and others delivering substance abuse services; (c) $6,000,000 to be divided as follows among the following Alaska Native regional organizations to provide substance abuse treatment and prevention programs: (1) $2,500,000 for Southcentral Foundation's Pathway Home, (2) $1,500,000 for Cook Inlet Tribal Council's substance abuse prevention and treatment programs, (3) $1,500,000 for Yukon-Kuskokwim Health Corporation's Tundra Swan Inhalant Abuse Center, and (4) $500,000 for the Southeast Alaska Regional Health Consortium for its Deilee Hitt program; and (d) $2,000,000 for the Alaska Federation of Natives sobriety and wellness program for competitive merit-based grants: Provided further, That none of the funds may be used for tribal courts or tribal ordinance programs or any program that is not directly related to alcohol control, enforcement, prevention, treatment, or sobriety: Provided further, That no more than 10 percent may be used by any entity receiving funding for administrative overhead including indirect costs: Provided

further, That the State of Alaska must maintain its existing level of effort and must use these funds to enhance or expand existing efforts or initiate new projects or programs and may not use such funds to supplant existing programs.

INDIAN HEALTH FACILITIES

For construction, repair, maintenance, improvement, and equipment of health and related auxiliary facilities, including quarters for personnel; preparation of plans, specifications, and drawings; acquisition of sites, purchase and erection of modular buildings, and purchases of trailers; and for provision of domestic and community sanitation facilities for Indians, as authorized by section 7 of the Act of August 5, 1954 (42 U.S.C. 2004a), the Indian Self-Determination Act, and the Indian Health Care Improvement Act, and for expenses necessary to carry out such Acts and titles II and III of the Public Health Service Act with respect to environmental health and facilities support activities of the Indian Health Service, $396,232,000, to remain available until expended: Provided, That notwithstanding any other provision of law, funds appropriated for the planning, design, construction or renovation of health facilities for the benefit of an Indian tribe or tribes may be used to purchase land for sites to construct, improve, or enlarge health or related facilities: Provided further, That from the funds appropriated herein, $5,000,000 shall be designated by the Indian Health Service as a contribution to the Yukon-Kuskokwim Health Corporation (YKHC) to complete a priority project for the acquisition of land, planning, design and construction of 79 staff quarters in the Bethel service area, pursuant to the negotiated project agreement between the YKHC and the Indian Health Service: Provided further, That this project shall not be subject to the construction provisions of the Indian Self-Determination and Education Assistance Act and shall be removed from the Indian Health Service priority list upon completion: Provided further, That the Federal Government shall not be liable for any property damages or other construction claims that may arise from YKHC undertaking this project: Provided further, That the land shall be owned or leased by the YKHC and title to quarters shall remain vested with the YKHC: Provided further, That not to exceed $500,000 shall be used by the Indian Health Service to purchase TRANSAM equipment from the Department of Defense for distribution to the Indian Health Service and tribal facilities: Provided further, That none of the funds appropriated to the Indian Health Service may be used for sanitation facilities construction for new homes funded with grants by the housing programs of the United States Department of Housing and Urban Development: Provided further, That not to exceed $1,000,000 from this account and the ''Indian Health Services'' account shall be used by the Indian Health Service to obtain ambulances for the Indian Health Service and tribal facilities in conjunction with an existing interagency agreement between the Indian Health Service and the General Services Administration: Provided further, That not to exceed $500,000 shall be placed in a Demolition Fund, available until expended, to be used by the Indian Health Service for demolition of Federal buildings.

ADMINISTRATIVE PROVISIONS, INDIAN HEALTH SERVICE

Appropriations in this Act to the Indian Health Service shall be available for services as authorized by 5 U.S.C. 3109 but at rates not to exceed the per diem rate equivalent to the maximum rate payable for senior-level positions under 5 U.S.C. 5376; hire of passenger motor vehicles and aircraft; purchase of medical equipment; purchase of reprints; purchase, renovation and erection of modular buildings and renovation of existing facilities; payments for telephone service in private residences in the field, when authorized under regulations approved by the Secretary; and for uniforms or allowances therefor as authorized by 5 U.S.C. 5901–5902; and for expenses of attendance at meetings which are concerned with the functions or activities for which the appropriation is made or which will contribute to improved conduct, supervision, or management of those functions or activities.

In accordance with the provisions of the Indian Health Care Improvement Act, non-Indian patients may be extended health care at all tribally administered or Indian Health Service facilities, subject to charges, and the proceeds along with funds recovered under the Federal Medical Care Recovery Act (42 U.S.C. 2651–2653) shall be credited to the account of the facility providing the service and shall be available without fiscal year limitation. Notwithstanding any other law or regulation, funds transferred from the Department of Housing and Urban Development to the Indian Health Service shall be administered under Public Law 86–121 (the Indian Sanitation Facilities Act) and Public Law 93–638, as amended.

Funds appropriated to the Indian Health Service in this Act, except those used for administrative and program direction purposes, shall not be subject to limitations directed at curtailing Federal travel and transportation.

None of the funds made available to the Indian Health Service in this Act shall be used for any assessments or charges by the Department of Health and Human Services unless identified in the budget justification and provided in this Act, or approved by the House and Senate Committees on Appropriations through the reprogramming process. Personnel ceilings may not be imposed on the Indian Health Service nor may any action be taken to reduce the full time equivalent level of the Indian Health Service below the level in fiscal year 2002 adjusted upward for the staffing of new and expanded facilities, funding provided for staffing at the Lawton, Oklahoma hospital in fiscal years 2003 and 2004, critical positions not filled in fiscal year 2002, and staffing necessary to carry out the intent of Congress with regard to program increases.

Notwithstanding any other provision of law, funds previously or herein made available to a tribe or tribal organization through a contract, grant, or agreement authorized by title I or title III of the Indian Self-Determination and Education Assistance Act of 1975 (25 U.S.C. 450), may be deobligated and reobligated to a self-determination contract under title I, or a self-governance agreement under title III of such Act and thereafter shall remain available to the tribe or tribal organization without fiscal year limitation.

None of the funds made available to the Indian Health Service in this Act shall be used to implement the final rule published in the Federal Register on September 16, 1987, by the Department of Health and Human Services, relating to the eligibility for the health care services of the Indian Health Service until the Indian Health Service has submitted a budget request reflecting the increased costs associated with the proposed final rule, and such request has been included in an appropriations Act and enacted into law.

With respect to functions transferred by the Indian Health Service to tribes or tribal organizations, the Indian Health Service is authorized to provide goods and services to those entities, on a reimbursable basis, including payment in advance with subsequent adjustment. The reimbursements received therefrom, along with the funds received from those entities pursuant to the Indian Self-Determination Act, may be credited to the same or subsequent appropriation account which provided the funding. Such amounts shall remain available until expended.

Reimbursements for training, technical assistance, or services provided by the Indian Health Service will contain total costs, including direct, administrative, and overhead associated with the provision of goods, services, or technical assistance.

The appropriation structure for the Indian Health Service may not be altered without advance approval of the House and Senate Committees on Appropriations.

OTHER RELATED AGENCIES

OFFICE OF NAVAJO AND HOPI INDIAN RELOCATION

SALARIES AND EXPENSES

For necessary expenses of the Office of Navajo and Hopi Indian Relocation as authorized by Public Law 93–531, $13,532,000, to remain available until expended: Provided, That funds provided in this or any other appropriations Act are to be used to relocate eligible individuals and groups including evictees from District 6, Hopi-partitioned lands residents, those in significantly substandard housing, and all others certified as eligible and not included in the preceding categories: Provided further, That none of the funds contained in this or any other Act may be used by the Office of Navajo and Hopi Indian Relocation to evict any single Navajo or Navajo family who, as of November 30, 1985, was physically domiciled on the lands partitioned to the Hopi Tribe unless a new or replacement home is provided for such household: Provided further, That no relocatee will be provided with more than one new or replacement home: Provided further, That the Office shall relocate any certified eligible relocatees who have selected and received an approved homesite on the Navajo reservation or selected a replacement residence off the Navajo reservation or on the land acquired pursuant to 25 U.S.C. 640d–10.

INSTITUTE OF AMERICAN INDIAN AND ALASKA NATIVE CULTURE AND ARTS DEVELOPMENT

PAYMENT TO THE INSTITUTE

For payment to the Institute of American Indian and Alaska Native Culture and Arts Development, as authorized by title XV of Public Law 99–498, as amended (20 U.S.C. 56 part A), $6,250,000, of which $1,000,000 shall remain available until expended to assist with the Institute's efforts to develop a Continuing Education Lifelong Learning Center.

SMITHSONIAN INSTITUTION

SALARIES AND EXPENSES

For necessary expenses of the Smithsonian Institution, as authorized by law, including research in the fields of art, science, and history; development, preservation, and documentation of the National Collections; presentation of public exhibits and performances; collection, preparation, dissemination, and exchange of information and publications; conduct of education, training, and museum assistance programs; maintenance, alteration, operation, lease (for terms not to exceed 30 years), and protection of buildings, facilities, and approaches; not to exceed $100,000 for services as authorized by 5 U.S.C. 3109; up to five replacement passenger vehicles; purchase, rental, repair, and cleaning of uniforms for employees, $494,748,000, of which not to exceed $46,903,000 for the instrumentation program, collections acquisition, exhibition reinstallation, the National Museum of the American Indian, and the repatriation of skeletal remains program shall remain available until expended; and of which $828,000 for fellowships and scholarly awards shall remain available until September 30, 2005; and including such funds as may be necessary to support American overseas research centers and a total of $125,000 for the Council of American Overseas Research Centers: Provided, That funds appropriated herein are available for advance payments to independent contractors performing research services or participating in official Smithsonian presentations: Provided further, That the Smithsonian Institution may expend Federal appropriations designated in this Act for lease or rent payments for long term and swing space, as rent payable to the Smithsonian Institution, and

such rent payments may be deposited into the general trust funds of the Institution to the extent that federally supported activities are housed in the 900 H Street, N.W. building in the District of Columbia: Provided further, That this use of Federal appropriations shall not be construed as debt service, a Federal guarantee of, a transfer of risk to, or an obligation of, the Federal Government: Provided further, That no appropriated funds may be used to service debt which is incurred to finance the costs of acquiring the 900 H Street building or of planning, designing, and constructing improvements to such building.

FACILITIES CAPITAL

For necessary expenses of repair, revitalization, and alteration of facilities owned or occupied by the Smithsonian Institution, by contract or otherwise, as authorized by section 2 of the Act of August 22, 1949 (63 Stat. 623), and for construction, including necessary personnel, $108,970,000, to remain available until expended, of which not to exceed $10,000 is for services as authorized by 5 U.S.C. 3109: Provided, That contracts awarded for environmental systems, protection systems, and repair or restoration of facilities of the Smithsonian Institution may be negotiated with selected contractors and awarded on the basis of contractor qualifications as well as price: Provided further, That balances from amounts previously appropriated under the headings ''Repair, Restoration and Alteration of Facilities'' and ''Construction'' shall be transferred to and merged with this appropriation and shall remain until expended.

ADMINISTRATIVE PROVISIONS, SMITHSONIAN INSTITUTION

None of the funds in this or any other Act may be used to make any changes to the existing Smithsonian science programs including closure of facilities, relocation of staff or redirection of functions and programs without approval from the Board of Regents of recommendations received from the Science Commission.

None of the funds in this or any other Act may be used to initiate the design for any proposed expansion of current space or new facility without consultation with the House and Senate Appropriations Committees.

None of the funds in this or any other Act may be used for the Holt House located at the National Zoological Park in Washington, D.C., unless identified as repairs to minimize water damage, monitor structure movement, or provide interim structural support.

None of the funds available to the Smithsonian may be reprogrammed without the advance written approval of the House and Senate Committees on Appropriations in accordance with the reprogramming procedures contained in the statement of the managers accompanying this Act.

NATIONAL GALLERY OF ART

SALARIES AND EXPENSES

For the upkeep and operations of the National Gallery of Art, the protection and care of the works of art therein, and administrative expenses incident thereto, as authorized by the Act of March 24, 1937 (50 Stat. 51), as amended by the public resolution of April 13, 1939 (Public Resolution 9, Seventy-sixth Congress), including services as authorized by 5 U.S.C. 3109; payment in advance when authorized by the treasurer of the Gallery for membership in library, museum, and art associations or societies whose publications or services are available to members only, or to members at a price lower than to the general public; purchase, repair, and cleaning of uniforms for guards, and uniforms, or allowances therefor, for other employees as authorized by law (5 U.S.C. 5901–5902); purchase or rental of devices and services for protecting buildings and contents thereof, and maintenance, alteration, improvement, and repair of buildings, approaches, and grounds; and purchase of services for restoration and repair of works of art for the National Gallery of Art by contracts made, without advertising, with individuals, firms, or organizations at such rates or prices and under such terms and conditions as the Gallery may deem proper, $87,849,000, of which not to exceed $3,026,000 for the special exhibition program shall remain available until expended.

REPAIR, RESTORATION AND RENOVATION OF BUILDINGS

For necessary expenses of repair, restoration and renovation of buildings, grounds and facilities owned or occupied by the National Gallery of Art, by contract or otherwise, as authorized, $11,600,000, to remain available until expended: Provided, That contracts awarded for environmental systems, protection systems, and exterior repair or renovation of buildings of the National Gallery of Art may be negotiated with selected contractors and awarded on the basis of contractor qualifications as well as price.

JOHN F. KENNEDY CENTER FOR THE PERFORMING ARTS

OPERATIONS AND MAINTENANCE

For necessary expenses for the operation, maintenance and security of the John F. Kennedy Center for the Performing Arts, $16,560,000.

CONSTRUCTION

For necessary expenses for capital repair and restoration of the existing features of the building and site of the John F. Kennedy Center for the Performing Arts, $16,000,000, to remain available until expended.

WOODROW WILSON INTERNATIONAL CENTER FOR SCHOLARS

SALARIES AND EXPENSES

For expenses necessary in carrying out the provisions of the Woodrow Wilson Memorial Act of 1968 (82 Stat. 1356) including hire of passenger vehicles and services as authorized by 5 U.S.C. 3109, $8,604,000.

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

NATIONAL ENDOWMENT FOR THE ARTS

GRANTS AND ADMINISTRATION

For necessary expenses to carry out the National Foundation on the Arts and the Humanities Act of 1965, as amended, $122,480,000, shall be available to the National Endowment for the Arts for the support of projects and productions in the arts through assistance to organizations and individuals pursuant to sections 5(c) and 5(g) of the Act, including $17,000,000 for support of arts education and public outreach activities through the Challenge America program, for program support, and for administering the functions of the Act, to remain available until expended: Provided, That funds previously appropriated to the National Endowment for the Arts ''Matching Grants'' account and ''Challenge America'' account may be transferred to and merged with this account.

NATIONAL ENDOWMENT FOR THE HUMANITIES

GRANTS AND ADMINISTRATION

For necessary expenses to carry out the National Foundation on the Arts and the Humanities Act of 1965, as amended, $120,878,000, shall be available to the National Endowment for the Humanities for support of activities in the humanities, pursuant to section 7(c) of the Act, and for administering the functions of the Act, to remain available until expended.

MATCHING GRANTS

To carry out the provisions of section 10(a)(2) of the National Foundation on the Arts and the Humanities Act of 1965, as amended, $16,122,000, to remain available until expended, of which $10,436,000 shall be available to the National Endowment for the Humanities for the purposes of section 7(h): Provided, That this appropriation shall be available for obligation only in such amounts as may be equal to the total amounts of gifts, bequests, and devises of money, and other property accepted by the chairman or by grantees of the Endowment under the provisions of subsections 11(a)(2)(B) and 11(a)(3)(B) during the current and preceding fiscal years for which equal amounts have not previously been appropriated.

ADMINISTRATIVE PROVISIONS

None of the funds appropriated to the National Foundation on the Arts and the Humanities may be used to process any grant or contract documents which do not include the text of 18 U.S.C. 1913: Provided, That none of the funds appropriated to the National Foundation on the Arts and the Humanities may be used for official reception and representation expenses: Provided further, That funds from nonappropriated sources may be used as necessary for official reception and representation expenses: Provided further, That the Chairperson of the National Endowment for the Arts may approve grants up to $10,000, if in the aggregate this amount does not exceed 5 percent of the sums appropriated for grant-making purposes per year: Provided further, That such small grant actions are taken pursuant to the terms of an expressed and direct delegation of authority from the National Council on the Arts to the Chairperson.

COMMISSION OF FINE ARTS

SALARIES AND EXPENSES

For expenses made necessary by the Act establishing a Commission of Fine Arts (40 U.S.C. 104), $1,422,000: Provided, That the Commission is authorized to charge fees to cover the full costs of its publications, and such fees shall be credited to this account as an offsetting collection, to remain available until expended without further appropriation.

NATIONAL CAPITAL ARTS AND CULTURAL AFFAIRS

For necessary expenses as authorized by Public Law 99–190 (20 U.S.C. 956(a)), as amended, $7,000,000.

ADVISORY COUNCIL ON HISTORIC PRESERVATION

SALARIES AND EXPENSES

For necessary expenses of the Advisory Council on Historic Preservation (Public Law 89–665, as amended), $4,000,000: Provided, That none of these funds shall be available for compensation of level V of the Executive Schedule or higher positions.

NATIONAL CAPITAL PLANNING COMMISSION

SALARIES AND EXPENSES

For necessary expenses, as authorized by the National Capital Planning Act of 1952 (40 U.S.C. 71–71i), including services as authorized by 5 U.S.C. 3109, $7,730,000: Provided, That for fiscal year 2004 and thereafter, all appointed members of the Commission will be compensated at a rate not to exceed the daily equivalent of the annual rate of pay for positions at level IV of the Executive Schedule for each day such member is engaged in the actual performance of duties.

UNITED STATES HOLOCAUST MEMORIAL MUSEUM

HOLOCAUST MEMORIAL MUSEUM

For expenses of the Holocaust Memorial Museum, as authorized by Public Law 106–292 (36 U.S.C. 2301–2310), $39,997,000, of which $1,900,000 for the museum's repair and rehabilitation program and $1,264,000 for the museum's exhibitions program shall remain available until expended.

PRESIDIO TRUST

PRESIDIO TRUST FUND

For necessary expenses to carry out title I of the Omnibus Parks and Public Lands Management Act of 1996, $20,700,000 shall be available to the Presidio Trust, to remain available until expended.

TITLE III—GENERAL PROVISIONS

SEC. 301. The expenditure of any appropriation under this Act for any consulting service through procurement contract, pursuant to 5

U.S.C. 3109, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive Order issued pursuant to existing law.

SEC. 302. No part of any appropriation contained in this Act shall be available for any activity or the publication or distribution of literature that in any way tends to promote public support or opposition to any legislative proposal on which congressional action is not complete.

SEC. 303. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 304. None of the funds provided in this Act to any department or agency shall be obligated or expended to provide a personal cook, chauffeur, or other personal servants to any officer or employee of such department or agency except as otherwise provided by law.

SEC. 305. No assessments may be levied against any program, budget activity, subactivity, or project funded by this Act unless notice of such assessments and the basis therefor are presented to the Committees on Appropriations and are approved by such committees.

SEC. 306. None of the funds in this Act may be used to plan, prepare, or offer for sale timber from trees classified as giant sequoia (Sequoiadendron giganteum) which are located on National Forest System or Bureau of Land Management lands in a manner different than such sales were conducted in fiscal year 2003.

SEC. 307. (a) LIMITATION OF FUNDS.—None of the funds appropriated or otherwise made available pursuant to this Act shall be obligated or expended to accept or process applications for a patent for any mining or mill site claim located under the general mining laws.

(b) EXCEPTIONS.—The provisions of subsection (a) shall not apply if the Secretary of the Interior determines that, for the claim concerned: (1) a patent application was filed with the Secretary on or before September 30, 1994; and (2) all requirements established under sections 2325 and 2326 of the Revised Statutes (30 U.S.C. 29 and 30) for vein or lode claims and sections 2329, 2330, 2331, and 2333 of the Revised Statutes (30 U.S.C. 35, 36, and 37) for placer claims, and section 2337 of the Revised Statutes (30 U.S.C. 42) for mill site claims, as the case may be, were fully complied with by the applicant by that date.

(c) REPORT.—On September 30, 2004, the Secretary of the Interior shall file with the House and Senate Committees on Appropriations and the Committee on Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report on actions taken by the Department under the plan submitted pursuant to section 314(c) of the Department of the Interior and Related Agencies Appropriations Act, 1997 (Public Law 104–208).

(d) MINERAL EXAMINATIONS.—In order to process patent applications in a timely and responsible manner, upon the request of a patent applicant, the Secretary of the Interior shall allow the applicant to fund a qualified third-party contractor to be selected by the Bureau of Land Management to conduct a mineral examination of the mining claims or mill sites contained in a patent application as set forth in subsection (b). The Bureau of Land Management shall have the sole responsibility to choose and pay the third-party contractor in accordance with the standard procedures employed by the Bureau of Land Management in the retention of third-party contractors.

SEC. 308. Notwithstanding any other provision of law, amounts appropriated to or earmarked in committee reports for the Bureau of Indian Affairs and the Indian Health Service by Public Laws 103–138, 103–332, 104–134, 104–208, 105–83, 105–277, 106–113, 106–291, 107–63, and 108–7 for payments to tribes and tribal organizations for contract support costs associated with self-determination or self-governance contracts, grants, compacts, or annual funding agreements with the Bureau of Indian Affairs or the Indian Health Service as funded by such Acts, are the total amounts available for fiscal years 1994 through 2003 for such purposes, except that, for the Bureau of Indian Affairs, tribes and tribal organizations may use their tribal priority allocations for unmet indirect costs of ongoing contracts, grants, self-governance compacts or annual funding agreements.

SEC. 309. Of the funds provided to the National Endowment for the Arts—

(1) The Chairperson shall only award a grant to an individual if such grant is awarded to such individual for a literature fellowship, National Heritage Fellowship, or American Jazz Masters Fellowship.

(2) The Chairperson shall establish procedures to ensure that no funding provided through a grant, except a grant made to a State or local arts agency, or regional group, may be used to make a grant to any other organization or individual to conduct activity independent of the direct grant recipient. Nothing in this subsection shall prohibit payments made in exchange for goods and services.

(3) No grant shall be used for seasonal support to a group, unless the application is specific to the contents of the season, including identified programs and/or projects.

SEC. 310. The National Endowment for the Arts and the National Endowment for the Humanities are authorized to solicit, accept, receive, and invest in the name of the United States, gifts, bequests, or devises of money and other property or services and to use such in furtherance of the functions of the National Endowment for the Arts and the National Endowment for the Humanities. Any proceeds from such gifts, bequests, or devises, after acceptance by the National Endowment for the Arts or the National Endowment for the Humanities, shall be paid by the donor or the representative of the donor to the Chairman. The Chairman shall enter the proceeds in a special interest-bearing account to the credit of the appropriate endowment for the purposes specified in each case.

SEC. 311. (a) In providing services or awarding financial assistance under the National Foundation on the Arts and the Humanities Act of 1965 from funds appropriated under this Act, the Chairperson of the National Endowment for the Arts shall ensure that priority is given to providing services or awarding financial assistance for projects, productions, workshops, or programs that serve underserved populations.

(b) In this section:

(1) The term ''underserved population'' means a population of individuals, including urban minorities, who have historically been outside the purview of arts and humanities programs due to factors such as a high incidence of income below the poverty line or to geographic isolation.

(2) The term ''poverty line'' means the poverty line (as defined by the Office of Management and Budget, and revised annually in accordance with section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2)) (applicable to a family of the size involved.

(c) In providing services and awarding financial assistance under the National Foundation on the Arts and Humanities Act of 1965 with funds appropriated by this Act, the Chairperson of the National Endowment for the Arts shall ensure that priority is given to providing services or awarding financial assistance for projects, productions, workshops, or programs that will encourage public knowledge, education, understanding, and appreciation of the arts.

(d) With funds appropriated by this Act to carry out section 5 of the National Foundation on the Arts and Humanities Act of 1965—

(1) the Chairperson shall establish a grant category for projects, productions, workshops, or programs that are of national impact or availability or are able to tour several States;

(2) the Chairperson shall not make grants exceeding 15 percent, in the aggregate, of such funds to any single State, excluding grants made under the authority of paragraph (1);

(3) the Chairperson shall report to the Congress annually and by State, on grants awarded by the Chairperson in each grant category under section 5 of such Act; and

(4) the Chairperson shall encourage the use of grants to improve and support community-based music performance and education.

SEC. 312. No part of any appropriation contained in this Act shall be expended or obligated to complete and issue the 5-year program under the Forest and Rangeland Renewable Resources Planning Act.

SEC. 313. None of the funds in this Act may be used to support Government-wide administrative functions unless such functions are justified in the budget process and funding is approved by the House and Senate Committees on Appropriations.

SEC. 314. Notwithstanding any other provision of law, none of the funds in this Act may be used for GSA Telecommunication Centers.

SEC. 315. Notwithstanding any other provision of law, for fiscal year 2004 the Secretaries of Agriculture and the Interior are authorized to limit competition for watershed restoration project contracts as part of the ''Jobs in the Woods'' Program established in Region 10 of the Forest Service to individuals and entities in historically timber-dependent areas in the States of Washington, Oregon, northern California, Idaho, Montana, and Alaska that have been affected by reduced timber harvesting on Federal lands. The Secretaries shall consider the benefits to the local economy in evaluating bids and designing procurements which create economic opportunities for local contractors.

SEC. 316. Amounts deposited during fiscal year 2003 in the roads and trails fund provided for in the 14th paragraph under the heading ''FOREST SERVICE'' of the Act of March 4, 1913 (37 Stat. 843; 16 U.S.C. 501), shall be used by the Secretary of Agriculture, without regard to the State in which the amounts were derived, to repair or reconstruct roads, bridges, and trails on National Forest System lands or to carry out and administer projects to improve forest health conditions, which may include the repair or reconstruction of roads, bridges, and trails on National Forest System lands in the wildland-community interface where there is an abnormally high risk of fire. The projects shall emphasize reducing risks to human safety and public health and property and enhancing ecological functions, long-term forest productivity, and biological integrity. The projects may be completed in a subsequent fiscal year. Funds shall not be expended under this section to replace funds which would otherwise appropriately be expended from the timber salvage sale fund. Nothing in this section shall be construed to exempt any project from any environmental law.

SEC. 317. Other than in emergency situations, none of the funds in this Act may be used to operate telephone answering machines during core business hours unless such answering machines include an option that enables callers to reach promptly an individual on-duty with the agency being contacted.

SEC. 318. No timber sale in Region 10 shall be advertised if the indicated rate is deficit when appraised using a residual value approach that assigns domestic Alaska values for western redcedar. Program accomplishments shall be based on volume sold. Should Region 10 sell, in fiscal year 2004, the annual average portion of the decadal allowable sale quantity called for in the current Tongass Land Management Plan in sales which are not deficit when appraised using a residual value approach that assigns domestic Alaska values for western redcedar, all of the western redcedar timber from those sales which is surplus to the needs of domestic processors in Alaska, shall be made available to domestic processors in the contiguous 48 United

States at prevailing domestic prices. Should Region 10 sell, in fiscal year 2003, less than the annual average portion of the decadal allowable sale quantity called for in the Tongass Land Management Plan in sales which are not deficit when appraised using a residual value approach that assigns domestic Alaska values for western redcedar, the volume of western redcedar timber available to domestic processors at prevailing domestic prices in the contiguous 48 United States shall be that volume: (i) which is surplus to the needs of domestic processors in Alaska, and (ii) is that percent of the surplus western redcedar volume determined by calculating the ratio of the total timber volume which has been sold on the Tongass to the annual average portion of the decadal allowable sale quantity called for in the current Tongass Land Management Plan. The percentage shall be calculated by Region 10 on a rolling basis as each sale is sold (for purposes of this amendment, a ''rolling basis'' shall mean that the determination of how much western redcedar is eligible for sale to various markets shall be made at the time each sale is awarded). Western redcedar shall be deemed ''surplus to the needs of domestic processors in Alaska'' when the timber sale holder has presented to the Forest Service documentation of the inability to sell western redcedar logs from a given sale to domestic Alaska processors at a price equal to or greater than the log selling value stated in the contract. All additional western redcedar volume not sold to Alaska or contiguous 48 United States domestic processors may be exported to foreign markets at the election of the timber sale holder. All Alaska yellow cedar may be sold at prevailing export prices at the election of the timber sale holder.

SEC. 319. A project undertaken by the Forest Service under the Recreation Fee Demonstration Program as authorized by section 315 of the Department of the Interior and Related Agencies Appropriations Act for Fiscal Year 1996, as amended, shall not result in—

(1) displacement of the holder of an authorization to provide commercial recreation services on Federal lands. Prior to initiating any project, the Secretary shall consult with potentially affected holders to determine what impacts the project may have on the holders. Any modifications to the authorization shall be made within the terms and conditions of the authorization and authorities of the impacted agency;

(2) the return of a commercial recreation service to the Secretary for operation when such services have been provided in the past by a private sector provider, except when—

(A) the private sector provider fails to bid on such opportunities;

(B) the private sector provider terminates its relationship with the agency; or

(C) the agency revokes the permit for noncompliance with the terms and conditions of the authorization.

In such cases, the agency may use the Recreation Fee Demonstration Program to provide for operations until a subsequent operator can be found through the offering of a new prospectus.

SEC. 320. Prior to October 1, 2004, the Secretary of Agriculture shall not be considered to be in violation of subparagraph 6(f)(5)(A) of the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1604(f)(5)(A)) solely because more than 15 years have passed without revision of the plan for a unit of the National Forest System. Nothing in this section exempts the Secretary from any other requirement of the Forest and Rangeland Renewable Resources Planning Act (16 U.S.C. 1600 et seq.) or any other law: Provided, That if the Secretary is not acting expeditiously and in good faith, within the funding available, to revise a plan for a unit of the National Forest System, this section shall be void with respect to such plan and a court of proper jurisdiction may order completion of the plan on an accelerated basis.

SEC. 321. No funds provided in this Act may be expended to conduct preleasing, leasing and related activities under either the Mineral Leasing Act (30 U.S.C. 181 et seq.) or the Outer Continental Shelf Lands Act (43 U.S.C. 1331 et seq.) within the boundaries of a National Monument established pursuant to the Act of June 8, 1906 (16 U.S.C. 431 et seq.) as such boundary existed on January 20, 2001, except where such activities are allowed under the Presidential proclamation establishing such monument.

SEC. 322. EXTENSION OF FOREST SERVICE CONVEYANCES PILOT PROGRAM.—Section 329 of the Department of the Interior and Related Agencies Appropriations Act, 2002 (16 U.S.C. 580d note; Public Law 107–63) is amended—

(1) in subsection (b), by striking ''20'' and inserting ''30'';

(2) in subsection (c) by striking ''3'' and inserting ''8''; and

(3) in subsection (d), by striking ''2006'' and inserting ''2007''.

SEC. 323. Employees of the foundations established by Acts of Congress to solicit private sector funds on behalf of Federal land management agencies shall, in fiscal year 2005, qualify for General Service Administration contract airfares.

SEC. 324. In entering into agreements with foreign countries pursuant to the Wildfire Suppression Assistance Act (42 U.S.C. 1856m) the Secretary of Agriculture and the Secretary of the Interior are authorized to enter into reciprocal agreements in which the individuals furnished under said agreements to provide wildfire services are considered, for purposes of tort liability, employees of the country receiving said services when the individuals are engaged in fire suppression: Provided, That the Secretary of Agriculture or the Secretary of the Interior shall not enter into any agreement under this provision unless the foreign country (either directly or through its fire organization) agrees to assume any and all liability for the acts or omissions of American firefighters engaged in firefighting in a foreign country: Provided further, That when an agreement is reached for furnishing fire fighting services, the only remedies for acts or omissions committed while fighting fires shall be those provided under the laws of the host country, and those remedies shall be the exclusive remedies for any claim arising out of fighting fires in a foreign country: Provided further, That neither the sending country nor any legal organization associated with the firefighter shall be subject to any legal action whatsoever pertaining to or arising out of the firefighter's role in fire suppression.

SEC. 325. A grazing permit or lease issued by the Secretary of the Interior or a grazing permit issued by the Secretary of Agriculture where National Forest System lands are involved that expires, is transferred, or waived during fiscal years 2004–2008 shall be renewed under section 402 of the Federal Land Policy and Management Act of 1976, as amended (43 U.S.C. 1752), section 19 of the Granger-Thye Act, as amended (16 U.S.C. 5801), title III of the Bankhead-Jones Farm Tenant Act (7 U.S.C. 1010 et seq.), or, if applicable, section 510 of the California Desert Protection Act (16 U.S.C. 410aaa–50). The terms and conditions contained in the expired, transferred, or waived permit or lease shall continue in effect under the renewed permit or lease until such time as the Secretary of the Interior or Secretary of Agriculture as appropriate completes processing of such permit or lease in compliance with all applicable laws and regulations, at which time such permit or lease may be canceled, suspended or modified, in whole or in part, to meet the requirements of such applicable laws and regulations. Nothing in this section shall be deemed to alter the statutory authority of the Secretary of the Interior or the Secretary of Agriculture: Provided, That where National Forest System lands are involved and the Secretary of Agriculture has renewed an expired or waived grazing permit prior to fiscal year 2004, the terms and conditions of the renewed grazing permit shall remain in effect until such time as the Secretary of Agriculture completes processing of the renewed permit in compliance with all applicable laws and regulations or until the expiration of the renewed permit, whichever comes first. Upon completion of the processing, the permit may be canceled, suspended or modified, in whole or in part, to meet the requirements of applicable laws and regulations: Provided further, That beginning in November 2004, and every year thereafter, the Secretaries of the Interior and Agriculture shall report to Congress the extent to which they are completing analysis required under applicable laws prior to the expiration of grazing permits, and beginning in May 2004, and every two years thereafter, the Secretaries shall provide Congress recommendations for legislative provisions necessary to ensure all permit renewals are completed in a timely manner. The legislative recommendations provided shall be consistent with the funding levels requested in the Secretaries' budget proposals: Provided further, That notwithstanding section 504 of the Rescissions Act (109 Stat. 212), the Secretaries in their sole discretion determine the priority and timing for completing required environmental analysis of grazing allotments based on the environmental significance of the allotments and funding available to the Secretaries for this purpose: Provided further, That any Federal lands included within the boundary of Lake Roosevelt National Recreation Area, as designated by the Secretary of the Interior on April 5, 1990 (Lake Roosevelt Cooperative Management Agreement), that were utilized as of March 31, 1997, for grazing purposes pursuant to a permit issued by the National Park Service, the person or persons so utilizing such lands as of March 31, 1997, shall be entitled to renew said permit under such terms and conditions as the Secretary may prescribe, for the lifetime of the permittee or 20 years, whichever is less.

SEC. 326. Notwithstanding any other provision of law or regulation, to promote the more efficient use of the health care funding allocation for fiscal year 2004, the Eagle Butte Service Unit of the Indian Health Service, at the request of the Cheyenne River Sioux Tribe, may pay base salary rates to health professionals up to the highest grade and step available to a physician, pharmacist, or other health professional and may pay a recruitment or retention bonus of up to 25 percent above the base pay rate.

SEC. 327. None of the funds made available in this Act may be transferred to any department, agency, or instrumentality of the United States Government except pursuant to a transfer made by, or transfer authority provided in, this Act or any other appropriations Act.

SEC. 328. None of the funds in this Act may be used to prepare or issue a permit or lease for oil or gas drilling in the Finger Lakes National Forest, New York, during fiscal year 2004.

SEC. 329. None of the funds made available in this Act may be used for the planning, design, or construction of improvements to Pennsylvania Avenue in front of the White House without the advance approval of the Committees on Appropriations.

SEC. 330. In awarding a Federal Contract with funds made available by this Act, the Secretary of Agriculture and the Secretary of the Interior (the ''Secretaries'') may, in evaluating bids and proposals, give consideration to local contractors who are from, and who provide employment and training for, dislocated and displaced workers in an economically disadvantaged rural community, including those historically timber-dependent areas that have been affected by reduced timber harvesting on Federal lands and other forest-dependent rural communities isolated from significant alternative employment opportunities: Provided, That the Secretaries may award grants or cooperative agreements to local non-profit entities, Youth Conservation Corps or related partnerships with State, local

or non-profit youth groups, or small or disadvantaged business: Provided further, That the contract, grant, or cooperative agreement is for forest hazardous fuels reduction, watershed or water quality monitoring or restoration, wildlife or fish population monitoring, or habitat restoration or management: Provided further, That the terms ''rural community'' and ''economically disadvantaged'' shall have the same meanings as in section 2374 of Public Law 101–624: Provided further, That the Secretaries shall develop guidance to implement this section: Provided further, That nothing in this section shall be construed as relieving the Secretaries of any duty under applicable procurement laws, except as provided in this section.

SEC. 331. No funds appropriated in this Act for the acquisition of lands or interests in lands may be expended for the filing of declarations of taking or complaints in condemnation without the approval of the House and Senate Committees on Appropriations: Provided, That this provision shall not apply to funds appropriated to implement the Everglades National Park Protection and Expansion Act of 1989, or to funds appropriated for federal assistance to the State of Florida to acquire lands for Everglades restoration purposes.

SEC. 332. Section 315(f) of the Department of the Interior and Related Agencies Appropriations Act, 1996 (as contained in section 101(c) of Public Law 104–134; 110 Stat. 1321–200; 16 U.S.C. 460l–6a note), is amended—

(1) by striking ''September 30, 2004'' and inserting ''December 31, 2005''; and

(2) by striking ''2007'' and inserting ''2008''.

SEC. 333. IMPLEMENTATION OF GALLATIN LAND CONSOLIDATION ACT OF 1998. (a) DEFINITIONS.—For purposes of this section:

(1) ''Gallatin Land Consolidation Act of 1998'' means Public Law 105–267 (112 Stat. 2371).

(2) ''Option Agreement'' has the same meaning as defined in section 3(6) of the Gallatin Land Consolidation Act of 1998.

(3) ''Secretary'' means the Secretary of Agriculture.

(4) ''Excess receipts'' means National Forest Fund receipts from the National Forests in Montana, which are identified and adjusted by the Forest Service within the fiscal year, and which are in excess of funds retained for: the Salvage Sale Fund; the Knutson-Vandenberg Fund; the Purchaser Road/Specified Road Credits; the Twenty-Five Percent Fund, as amended; the Ten Percent Road and Trail Fund; the Timber Sale Pipeline Restoration Fund; the Fifty Percent Grazing Class A Receipts Fund; and the Land and Water Conservation Fund Recreation User Fees Receipts—Class A Fund.

(5) ''Special Account'' means the special account referenced in section 4(c)(2) of the Gallatin Land Consolidation Act of 1998.

(6) ''Eastside National Forests'' has the same meaning as in section 3(4) of the Gallatin Land Consolidation Act of 1998.

(b) SPECIAL ACCOUNT.—

(1) The Secretary is authorized and directed, without further appropriation or reprogramming of funds, to transfer to the Special Account these enumerated funds and receipts in the following order:

(A) timber sale receipts from the Gallatin National Forest and other Eastside National Forests, as such receipts are referenced in section 4(a)(2)(C) of the Gallatin Land Consolidation Act of 1998;

(B) any available funds heretofore appropriated for the acquisition of lands for National Forest purposes in the State of Montana through fiscal year 2003;

(C) net receipts from the conveyance of lands on the Gallatin National Forest as authorized by subsection (c); and,

(D) excess receipts for fiscal years 2003 through 2008.

(2) All funds in the Special Account shall be available to the Secretary until expended, without further appropriation, and will be expended prior to the end of fiscal year 2008 for the following purposes:

(A) the completion of the land acquisitions authorized by the Gallatin Land Consolidation Act of 1998 and fulfillment of the Option Agreement, as may be amended from time to time; and,

(B) the acquisition of lands for which acquisition funds were transferred to the Special Account pursuant to subsection (b)(1)(B).

(3) The Special Account shall be closed at the end of fiscal year 2008 and any monies remaining in the Special Account shall be transferred to the fund established under Public Law 90–171 (commonly known as the ''Sisk Act'', 16 U.S.C. §484a) to remain available, until expended, for the acquisition of lands for National Forest purposes in the State of Montana.

(4) Funds deposited in the Special Account or eligible for deposit shall not be subject to transfer or reprogramming for wildland fire management or any other emergency purposes.

(c) LAND CONVEYANCES WITHIN THE GALLATIN NATIONAL FOREST.—

(1) CONVEYANCE AUTHORITY.—The Secretary is authorized, under such terms and conditions as the Secretary may prescribe and without requirements for further administrative or environmental analyses or examination, to sell or exchange any or all rights, title, and interests of the United States in the following lands within the Gallatin National Forest in the State of Montana:

(A) SMC East Boulder Mine Portal Tract: Principal Meridian, T.3S., R.11E., Section 4, lots 3 to 4 inclusive, W½SE¼NW¼, containing 76.27 acres more or less.

(B) Forest Service West Yellowstone Administrative Site: U.S. Forest Service Administrative Site located within the NE¼ of Block 17 of the Townsite of West Yellowstone which is situated in the N½ of Section 34, T.13S., R.5E., Principal Meridian, Gallatin County, Montana, containing 1.04 acres more or less.

(C) Mill Fork Mission Creek Tract: Principal Meridian, T.13S., R.5E., Section 34, NW¼SW¼, containing 40 acres more or less.

(D) West Yellowstone Town Expansion Tract #1: Principal Meridian, T.13S., R.5E., Section 33, E½E½NE¼, containing 40 acres more or less.

(E) West Yellowstone Town Expansion Tract #2: Principal Meridian, T.13S., R.5E., Section 33, NE¼SE¼, containing 40 acres more or less.

(2) DESCRIPTIONS.—The Secretary may modify the descriptions in subsection (c)(1) to correct errors or to reconfigure the properties in order to facilitate a conveyance.

(3) CONSIDERATION.—Consideration for a sale or exchange of land under this subsection may include cash, land, or a combination of both.

(4) VALUATION.—Any appraisals of land deemed necessary or desirable by the Secretary to carry out the purposes of this section shall conform to the Uniform Appraisal Standards for Federal Land Acquisitions.

(5) CASH EQUALIZATION.—Notwithstanding any other provision of law, the Secretary may accept a cash equalization payment in excess of 25 percent of the value of any land exchanged under this subsection.

(6) SOLICITATIONS OF OFFERS.—The Secretary may:

(A) solicit offers for sale or exchange of land under this subsection on such terms and conditions as the Secretary may prescribe, or

(B) reject any offer made under this subsection if the Secretary determines that the offer is not adequate or not in the public interest.

(7) METHODS OF SALE.—The Secretary may sell land at public or private sale, including competitive sale by auction, bid, or otherwise, in accordance with such terms, conditions, and procedures as the Secretary determines will be in the best interests of the United States.

(8) BROKERS.—The Secretary may utilize brokers or other third parties in the disposition of the land authorized by this subsection and, from the proceeds of the sale, may pay reasonable commissions or fees on the sale or sales.

(9) RECEIPTS FROM SALE OR EXCHANGE.—The Secretary shall deposit the net receipts of a sale or exchange under this subsection in the Special Account.

(d) MISCELLANEOUS PROVISIONS.—

(1) Receipts from any sale or exchange pursuant to subsection (c) of this section:

(A) shall not be deemed excess receipts for purposes of this section;

(B) shall not be paid or distributed to the State or counties under any provision of law, or otherwise deemed as moneys received from the National Forest for purposes of the Act of May 23, 1908 or the Act of March 1, 1911 (16 U.S.C. §500, as amended), or the Act of March 4, 1913 (16 U.S.C. §501, as amended).

(2) As of the date of enactment of this section, any public land order withdrawing land described in subsection (c)(1) from all forms of appropriation under the public land laws is revoked with respect to any portion of the land conveyed by the Secretary under this section.

(3) Subject to valid existing rights, all lands described in section (c)(1) are withdrawn from location, entry, and patent under the mining laws of the United States.

(4) The Agriculture Property Management Regulations shall not apply to any action taken pursuant to this section.

(e) OPTION AGREEMENT AMENDMENT.—The Amendment No. 1 to the Option Agreement is hereby ratified as a matter of Federal law and the parties to it are authorized to effect the terms and conditions thereof.

SEC. 334. Subsection (c) of section 551 of the Land Between the Lakes Protection Act of 1998 (16 U.S.C. 460lll–61) is amended to read as follows:

''(c) USE OF FUNDS.—The Secretary of Agriculture may expend amounts appropriated or otherwise made available to carry out this title in a manner consistent with the authorities exercised by the Tennessee Valley Authority before the transfer of the Recreation Area to the administrative jurisdiction of the Secretary, including campground management and visitor services, paid advertisement, and procurement of food and supplies for resale purposes.''.

SEC. 335. Section 339 of the Department of the Interior and Related Agencies Appropriations Act, 2000, as enacted into law by section 1000(a)(3) of Public Law 106–113 (113 Stat. 1501A–204; 16 U.S.C. 528 note), is amended—

(1) in subsection (b)—

(A) in the first sentence, by striking ''not less than the fair market value'' and inserting ''fees under subsection (c)''; and

(B) by striking the second sentence and inserting the following: ''The Secretary shall establish appraisal methods and bidding procedures to determine the fair market value of forest botanical products harvested under the pilot program.'';

(2) in subsection (c), by striking paragraph (1) and inserting the following new paragraph (1):

''(1) IMPOSITION AND COLLECTION.—Under the pilot program, the Secretary of Agriculture shall charge and collect from a person who harvests forest botanical products on National Forest System lands a fee in an amount established by the Secretary to recover at least a portion of the fair market value of the harvested forest botanical products and a portion of the costs incurred by the Department of Agriculture associated with granting, modifying, or monitoring the authorization for harvest of the forest botanical products, including the costs of any environmental or other analysis.'';

(3) in subsection (d)(1), by striking ''charges and fees under subsections (b) and'' and inserting ''a fee under subsection'';

(4) in subsection (f)—

(A) in paragraph (1), by striking ''subsections (b) and'' and inserting ''subsection'';

(B) in paragraph (2), by striking ''in excess of the amounts collected for forest botanical products during fiscal year 1999'';

(C) in paragraph (3), by striking ''charges and fees collected at that unit under the pilot program to pay for'' and all that follows through

the period at the end and inserting ''fees collected at that unit under subsection (c) to pay for the costs of conducting inventories of forest botanical products, determining sustainable levels of harvest, monitoring and assessing the impacts of harvest levels and methods, conducting restoration activities, including any necessary vegetation, and covering costs of the Department of Agriculture described in subsection (c)(1).''; and

(D) in paragraph (4), by striking ''subsections (b) and'' and inserting ''subsection'';

(5) in subsection (g)—

(A) by striking ''charges and fees under subsections (b) and'' and inserting ''fees under subsection''; and

(B) by striking ''subsections (b) and'' the second place it appears and inserting ''subsection''; and

(6) in subsection (h), by striking paragraph (1) and inserting the following new paragraph (1):

''(1) COLLECTION OF FEES.—The Secretary of Agriculture may collect fees under the authority of subsection (c) until September 30, 2009.''.

SEC. 336. TRANSFER OF FOREST LEGACY PROGRAM LAND. Section 7(l) of the Cooperative Forestry Assistance Act of 1978 (16 U.S.C. 2103c(l)) is amended by inserting after paragraph (2) the following:

''(3) TRANSFER OF FOREST LEGACY PROGRAM LAND—

''(A) IN GENERAL.—Subject to any terms and conditions that the Secretary may require (including the requirements described in subparagraph (B)), the Secretary may, at the request of the State of Vermont, convey to the State, by quitclaim deed, without consideration, any land or interest in land acquired in the State under the Forest Legacy Program.

''(B) REQUIREMENTS.—In conveying land or an interest in land under subparagraph (A), the Secretary may require that—

''(i) the deed conveying the land or interest in land include requirements for the management of the land in a manner that—

''(I) conserves the land or interest in land; and

''(II) is consistent with any other Forest Legacy Program purposes for which the land or interest in land was acquired;

''(ii) if the land or interest in land is subsequently sold, exchanged, or otherwise disposed of by the State of Vermont, the State shall—

''(I) reimburse the Secretary in an amount that is based on the current market value of the land or interest in land in proportion to the amount of consideration paid by the United States for the land or interest in land; or

''(II) convey to the Secretary land or an interest in land that is equal in value to the land or interest in land conveyed.

''(C) DISPOSITION OF FUNDS.—Amounts received by the Secretary under subparagraph (B)(ii) shall be credited to the Wildland Fire Management account, to remain available until expended.''.

SEC. 337. Notwithstanding section 9(b) of Public Law 106–506, funds hereinafter appropriated under Public Law 106–506 shall require matching funds from non-Federal sources on the basis of aggregate contribution to the Environmental Improvement Program, as defined in Public Law 106–506, rather than on a project-by-project basis, except for those activities provided under section 9(c) of that Act, to which this amendment shall not apply.

SEC. 338. Any application for judicial review of a Record of Decision for any timber sale in Region 10 of the Forest Service that had a Notice of Intent prepared on or before January 1, 2003 shall—

(1) be filed in the Alaska District of the Federal District Court within 30 days after exhaustion of the Forest Service administrative appeals process (36 C.F.R. 215) or within 30 days of enactment of this Act if the administrative appeals process has been exhausted prior to enactment of this Act, and the Forest Service shall strictly comply with the schedule for completion of administrative action;

(2) be completed and a decision rendered by the court not later than 180 days from the date such request for review is filed; if a decision is not rendered by the court within 180 days as required by this subsection, the Secretary of Agriculture shall petition the court to proceed with the action.

SEC. 339. (a) IN GENERAL.—The Secretary of Agriculture may cancel, with the consent of the timber purchaser, a maximum of 70 contracts for the sale of timber awarded between October 1, 1995 and January 1, 2002 on the Tongass National Forest in Alaska if—

(1) the Secretary determines, in the Secretary's sole discretion, that the sale would result in a financial loss to the purchaser and the costs to the government of seeking a legal remedy against the purchaser would likely exceed the cost of terminating the contract; and

(2) the timber purchaser agrees to—

(A) terminate its rights under the contract; and

(B) release the United States from all liability, including further consideration or compensation resulting from such cancellation.

(b) EFFECT OF CANCELLATION.—

(1) IN GENERAL.—The United States shall not surrender any claim against a timber purchaser that arose under a contract before cancellation under this section not in connection with the cancellation.

(2) LIMITATION.—Cancellation of a contract under this section shall release the timber purchaser from liability for any damages resulting from cancellation of such contract.

(c) TIMBER AVAILABLE FOR RESALE.—Timber included in a contract cancelled under this section shall be available for resale by the Secretary of Agriculture.

SEC. 340. (a) JUSTIFICATION OF COMPETITIVE SOURCING ACTIVITIES.—(1) In each budget submitted by the President to Congress under section 1105 of title 31, United States Code, for a fiscal year, beginning with fiscal year 2005, amounts requested to perform competitive sourcing studies for programs, projects, and activities listed in paragraph (2) shall be set forth separately from other amounts requested.

(2) Paragraph (1) applies to programs, projects, and activities—

(A) of the Department of the Interior for which funds are appropriated by this Act;

(B) of the Forest Service; and

(C) of the Department of Energy for which funds are appropriated by this Act.

(b) ANNUAL REPORTING REQUIREMENTS ON COMPETITIVE SOURCING ACTIVITIES.—(1) Not later than December 31 of each year, beginning with December 31, 2003, the Secretary concerned shall submit to the Committees on Appropriations of the Senate and the House of Representatives a report, covering the preceding fiscal year, on the competitive sourcing studies conducted by the Department of the Interior, the Forest Service, or the Department of Energy, as appropriate, and the costs and cost savings to the citizens of the United States of such studies.

(2) In this subsection, the term ''Secretary concerned'' means—

(A) the Secretary of the Interior, with respect to the Department of the Interior programs, projects, and activities for which funds are appropriated by this Act;

(B) the Secretary of Agriculture, with respect to the Forest Service; and

(C) the Secretary of Energy, with respect to the Department of Energy programs, projects, and activities for which funds are appropriated by this Act.

(3) The report under this subsection shall include, for the fiscal year covered—

(A) the total number of competitions completed;

(B) the total number of competitions announced, together with a list of the activities covered by such competitions;

(C) the total number of full-time equivalent Federal employees studied under completed competitions;

(D) the total number of full-time equivalent Federal employees being studied under competitions announced, but not completed;

(E) the incremental cost directly attributable to conducting the competitions identified under subparagraphs (A) and (B), including costs attributable to paying outside consultants and contractors;

(F) an estimate of the total anticipated savings, or a quantifiable description of improvements in service or performance, derived from completed competitions;

(G) actual savings, or a quantifiable description of improvements in service or performance, derived from the implementation of competitions;

(H) the total projected number of full-time equivalent Federal employees covered by competitions scheduled to be announced in the fiscal year; and

(I) a description of how the competitive sourcing decision making processes are aligned with strategic workforce plans.

(c) DECLARATION OF COMPETITIVE SOURCING STUDIES.—For fiscal year 2004, each of the Secretaries of executive departments referred to in subsection (b)(2) shall submit a detailed competitive sourcing proposal to the Committees on Appropriations of the Senate and the House of Representatives not later than 60 days after the date of the enactment of this Act. The proposal shall include, for each competitive sourcing study proposed to be carried out by or for the Secretary concerned, the number of positions to be studied, the amount of funds needed for the study, and the program, project, and activity from which the funds will be expended.

(d) LIMITATION ON COMPETITIVE SOURCING STUDIES.—(1) Of the funds made available by this or any other Act to the Department of Energy or the Department of the Interior for fiscal year 2004, not more than the maximum amount specified in paragraph (2)(A) may be used by the Secretary of Energy or the Secretary of the Interior to initiate or continue competitive sourcing studies in fiscal year 2004 for programs, projects, and activities for which funds are appropriated by this Act until such time as the Secretary concerned submits a reprogramming proposal to the Committees on Appropriations of the Senate and the House of Representatives, and such proposal has been processed consistent with the fiscal year 2004 reprogramming guidelines.

(2) For the purposes of paragraph (1)—

(A) the maximum amount—

(i) with respect to the Department of Energy is $500,000; and

(ii) with respect to the Department of the Interior is $2,500,000; and

(B) the fiscal year 2004 reprogramming guidelines referred to in such paragraph are the reprogramming guidelines set forth in the joint explanatory statement accompanying the Act (H.R. 2691, 108th Congress, 1st session), making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2004, and for other purposes.

(3) Of the funds appropriated by this Act, not more than $5,000,000 may be used in fiscal year 2004 for competitive sourcing studies and related activities by the Forest Service.

(e) LIMITATION ON CONVERSION TO CONTRACTOR PERFORMANCE.—(1) None of the funds made available in this or any other Act may be used to convert to contractor performance an activity or function of the Forest Service, an activity or function of the Department of the Interior performed under programs, projects, and activities for which funds are appropriated by this Act, or an activity or function of the Department of Energy performed under programs,

projects, and activities for which funds are appropriated by this Act, if such activity or function is performed on or after the date of the enactment of this Act by more than 10 Federal employees unless—

(A) the conversion is based on the result of a public-private competition that includes a more efficient and cost effective organization plan developed by such activity or function; and

(B) the Competitive Sourcing Official determines that, over all performance periods stated in the solicitation of offers for performance of the activity or function, the cost of performance of the activity or function by a contractor would be less costly to the Federal Government by an amount that equals or exceeds the lesser of—

(i) 10 percent of the more efficient organization's personnel-related costs for performance of that activity or function by Federal employees; or

(ii) $10,000,000.

(2) This subsection shall not apply to a commercial or industrial type function that—

(A) is included on the procurement list established pursuant to section 2 of the Javits-Wagner-O'Day Act (41 U.S.C. 47);

(B) is planned to be converted to performance by a qualified nonprofit agency for the blind or by a qualified nonprofit agency for other severely handicapped individuals in accordance with that Act; or

(C) is planned to be converted to performance by a qualified firm under at least 51 percent ownership by an Indian tribe, as defined in section 4(e) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(e)), or a Native Hawaiian Organization, as defined in section 8(a)(15) of the Small Business Act (15 U.S.C. 637(a)(15)).

(3) The conversion of any activity or function under the authority provided by this subsection shall be credited toward any competitive or outsourcing goal, target, or measurement that may be established by statute, regulation, or policy.

(f) COMPETITIVE SOURCING STUDY DEFINED.—In this subsection, the term ''competitive sourcing study'' means a study on subjecting work performed by Federal Government employees or private contractors to public-private competition or on converting the Federal Government employees or the work performed by such employees to private contractor performance under the Office of Management and Budget Circular A–76 or any other administrative regulation, directive, or policy.

SEC. 341. Section 4(e)(3)(A)(vi) of the Southern Nevada Public Land Management Act of 1998 (112 Stat. 2346; 116 Stat. 2007) is amended by striking ''under this Act'' and inserting ''under this Act, including costs incurred under paragraph (2)(A)''.

SEC. 342. LAKE TAHOE RESTORATION PROJECTS. Section 4(e)(3)(A) of the Southern Nevada Public Land Management Act of 1998 (112 Stat. 2346; 116 Stat. 2007) is further amended—

(1) in clause (v), by striking ''and'' at the end;

(2) by redesignating clause (vi) as clause (vii); and

(3) by inserting after clause (v) the following:

''(vi) transfer to the Secretary of Agriculture, or, if the Secretary of Agriculture enters into a cooperative agreement with the head of another Federal agency, the head of the Federal agency, for Federal environmental restoration projects under sections 6 and 7 of the Lake Tahoe Restoration Act (114 Stat. 2354), environmental improvement payments under section 2(g) of Public Law 96–586 (94 Stat. 3382), and any Federal environmental restoration project included in the environmental improvement program adopted by the Tahoe Regional Planning Agency in February 1998 (as amended), in an amount equal to the cumulative amounts authorized to be appropriated for such projects under those Acts, in accordance with a revision to the Southern Nevada Public Land Management Act of 1998 Implementation Agreement to implement this section, which shall include a mechanism to ensure appropriate stakeholders from the States of California and Nevada participate in the process to recommend projects for funding; and''.

SEC. 343. Estimated overhead charges, deductions, reserves or holdbacks from programs, projects and activities to support government-wide, departmental, agency or bureau administrative functions or headquarters, regional or central office operations shall be presented in annual budget justifications. Changes to such estimates shall be presented to the Committees on Appropriations for approval.

SEC. 344. (a) ACROSS-THE-BOARD RESCISSIONS.—There is hereby rescinded an amount equal to 0.646 percent of—

(1) the budget authority provided for fiscal year 2004 for any discretionary account in this Act; and

(2) the budget authority provided in any advance appropriation for fiscal year 2004 for any discretionary account in the Department of the Interior and Related Agencies Appropriations Act, 2003.

(b) PROPORTIONATE APPLICATION.—Any rescission made by subsection (a) shall be applied proportionately—

(1) to each discretionary account and each item of budget authority described in subsection (a); and

(2) within each such account and item, to each program, project, and activity (with programs, projects, and activities as delineated in the appropriation Act or accompanying reports for the relevant fiscal year covering such account or item, or for accounts and items not included in appropriation Acts, as delineated in the most recently submitted President's budget).

TITLE IV—THE FLATHEAD AND KOOTENAI NATIONAL FOREST REHABILITATION ACT

SEC. 401. SHORT TITLE. This title may be cited as the ''Flathead and Kootenai National Forest Rehabilitation Act of 2003''.

SEC. 402. FINDINGS AND PURPOSE. (a) FINDINGS.—Congress finds that—

(1) the Robert Fire and Wedge Fire of 2003 caused extensive resource damage in the Flathead National Forest;

(2) the fires of 2000 caused extensive resource damage on the Kootenai National Forest and implementation of rehabilitation and recovery projects developed by the agency for the Forest is critical;

(3) the environmental planning and analysis to restore areas affected by the Robert Fire and Wedge Fire will be completed through a collaborative community process;

(4) the rehabilitation of burned areas needs to be completed in a timely manner in order to reduce the long-term environmental impacts; and

(5) wildlife and watershed resource values will be maintained in areas affected by the Robert Fire and Wedge Fire while exempting the rehabilitation effort from certain applications of the National Environmental Policy Act (NEPA) and the Clean Water Act (CWA).

(b) The purpose of this title is to accomplish in a collaborative environment, the planning and rehabilitation of the Robert Fire and Wedge Fire and to ensure timely implementation of recovery and rehabilitation projects on the Kootenai National Forest.

SEC. 403. REHABILITATION PROJECTS. (a) IN GENERAL.—The Secretary of Agriculture (in this title referred to as the ''Secretary'') may conduct projects that the Secretary determines are necessary to rehabilitate and restore, and may conduct salvage harvests on, National Forest System lands in the North Fork drainage on the Flathead National Forest, as generally depicted on a map entitled ''North Fork Drainage'' which shall be on file and available for public inspection in the Office of Chief, Forest Service, Washington, D.C.

(b) PROCEDURE.—

(1) IN GENERAL.—Except as otherwise provided by this title, the Secretary shall conduct projects under this title in accordance with—

(A) the National Environmental Policy Act (42 U.S.C. 4321 et seq.); and

(B) other applicable laws.

(2) ENVIRONMENTAL ASSESSMENT OR IMPACT STATEMENT.—If an environmental assessment or an environmental impact statement (pursuant to section 102(2) of the National Environmental Policy Act (42 U.S.C. 4332(2)) is required for a project under this title, the Secretary shall not be required to study, develop, or describe any alternative to the proposed agency action in the environmental assessment or the environmental impact statement.

(3) PUBLIC COLLABORATION.—To encourage meaningful participation during preparation of a project under this title, the Secretary shall facilitate collaboration among the State of Montana, local governments, and Indian tribes, and participation of interested persons, during the preparation of each project in a manner consistent with the Implementation Plan for the 10-year Comprehensive Strategy of a Collaborative Approach for Reducing Wildland Fire Risks to Communities and the Environment, dated May 2002, which was developed pursuant to the conference report for the Department of the Interior and Related Agencies Appropriations Act, 2001 (House Report 106–646).

(4) COMPLIANCE WITH CLEAN WATER ACT.—Consistent with the Clean Water Act (33 U.S.C. 1251 et seq.) and Montana Code 75–5–703(10)(b), the Secretary is not prohibited from implementing projects under this title due to the lack of a Total Maximum Daily Load as provided for under section 303(d) of the Clean Water Act (33 U.S.C. 1313(d)), except that the Secretary shall comply with any best management practices required by the State of Montana.

(5) ENDANGERED SPECIES ACT CONSULTATION.—If a consultation is required under section 7 of the Endangered Species Act (16 U.S.C. 1536) for a project under this title, the Secretary of the Interior shall expedite and give precedence to such consultation over any similar requests for consultation by the Secretary.

(6) ADMINISTRATIVE APPEALS.—Section 322 of the Department of the Interior and Related Agencies Appropriations Act, 1993 (Public Law 102–381; 16 U.S.C. 1612 note) and section 215 of title 36, Code of Federal Regulations shall apply to projects under this title.

SEC. 404. CONTRACTING AND COOPERATIVE AGREEMENTS. (a) IN GENERAL.—Notwithstanding chapter 63 of title 31, United States Code, the Secretary may enter into contract or cooperative agreements to carry out a project under this title.

(b) EXEMPTION.—Notwithstanding any other provisions of law, the Secretary may limit competition for a contract or a cooperative agreement under subsection (a).

SEC. 405. MONITORING REQUIREMENTS. (a) IN GENERAL.—The Secretary shall establish a multiparty monitoring group consisting of a representative number of interested parties, as determined by the Secretary, to monitor the performance and effectiveness of projects conducted under this title.

(b) REPORTING REQUIREMENTS.—The multiparty monitoring group shall prepare annually a report to the Secretary on the progress of the projects conducted under this title in rehabilitating and restoring the North Fork drainage. The Secretary shall submit the report to the Senate Subcommittee on Interior Appropriations of the Senate Committee on Appropriations.

SEC. 406. SUNSET. The authority for the Secretary to issue a decision to carry out a project under this title shall expire 5 years from the date of enactment.

SEC. 407. IMPLEMENTATION OF RECORDS OF DECISION. The Secretary of Agriculture shall publish new information regarding forest wide estimates of old growth from volume 103 of the administrative record in the case captioned Ecology Center v. Castaneda, CV–02–200–M–DWM (D. Mont.) for public comment for a 30-day period. The Secretary shall review any comments received during the comment period and

decide whether to modify the Records of Decision (hereinafter referred to as the ''ROD's'') for the Pinkham, White Pine, Kelsey-Beaver, Gold/Boulder/Sullivan, and Pink Stone projects on the Kootenai National Forest. The ROD's, whether modified or not, shall not be deemed arbitrary and capricious under the NFMA, NEPA or other applicable law as long as each project area retains 10 percent designated old growth below 5,500 feet elevation in third order watersheds in which the project is located as specified in the forest plan.

This Act may be cited as the ''Department of the Interior and Related Agencies Appropriations Act, 2004''.

And the Senate agree to the same.

CHARLES H. TAYLOR,
BILL YOUNG,
RALPH REGULA,
JIM KOLBE,
GEORGE R. NETHERCUTT JR.,
ZACH WAMP,
JOHN E. PETERSON,
DON SHERWOOD,
ANDER CRENSHAW,
NORMAN D. DICKS,
JOHN P. MURTHA,
JAMES P. MORAN,
JOHN W. OLVER,
Mangers on the Part of the House.

CONRAD BURNS,
TED STEVENS,
THAD COCHRAN,
PETE DOMENICI,
ROBERT F. BENNETT,
JUDD GREGG,
BEN NIGHTHORSE CAMPBELL,
SAM BROWNBACK,
BYRON L. DORGAN,
ROBERT C. BYRD,
PATRICK J. LEAHY,
ERNEST HOLLINGS,
HARRY REID,
DIANNE FEINSTEIN,
BARBARA A. MIKULSKI,
Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 2691), making appropriations for the Department of the Interior and Related Agencies for the fiscal year ending September 30, 2004, and for other purposes, submit the following joint statement to the House and the Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report.

The conference agreement on H.R. 2691 incorporates some of the provisions of both the House and the Senate versions of the bill. Report language and allocations set forth in either House Report 108–195 or Senate Report 108–89 that are not changed by the conference are approved by the committee of conference. The statement of the managers, while repeating some report language for emphasis, does not negate the language referenced above unless expressly provided herein.

REPROGRAMMING GUIDELINES

The managers have revised the reprogramming guidelines to address the issue of assessments and charges within departments and agencies or by other agencies, and to clarify other issues. Changes to the guidelines proposed by the House include a technical change to the definition section and a revised section 2(e).

The following are the revised procedures governing reprogramming actions for programs and activities funded in the Interior and Related Agencies Appropriations Act:

1. *Definition.*—''Reprogramming,'' as defined in these procedures, includes the reallocation of funds from one budget activity to another. In cases where either Committee report displays an allocation of an appropriation below the activity level, that more detailed level shall be the basis for reprogramming. For construction accounts, a reprogramming constitutes the reallocation of funds from one construction project (identified in the justification or Committee report) to another. A reprogramming shall also consist of any significant departure from the program described in the agency's budget justifications. This includes proposed reorganizations even without a change in funding.

2. *Guidelines for Reprogramming.*—(a) A reprogramming should be made only when an unforeseen situation arises; and then only if postponement of the project or the activity until the next appropriation year would result in actual loss or damage. Mere convenience or desire should not be factors for consideration.

(b) Any project or activity, which may be deferred through reprogramming, shall not later be accomplished by means of further reprogramming; but, instead, funds should again be sought for the deferred project or activity through the regular appropriations process.

(c) Reprogramming should not be employed to initiate new programs or to change allocations specifically denied, limited or increased by the Congress in the Act or the report. In cases where unforeseen events or conditions are deemed to require such changes, proposals shall be submitted in advance to the Committee, regardless of amounts involved, and be fully explained and justified.

(d) Reprogramming proposals submitted to the Committee for approval shall be considered approved 30 calendar days after receipt if the Committee has posed no objection. However, agencies will be expected to extend the approval deadline if specifically requested by either Committee.

(e) Proposed changes to estimated working capital fund bills and estimated overhead charges, deductions, reserves or holdbacks, as such estimates were presented in annual budget justifications, shall be submitted through the reprogramming process.

3. *Criteria and Exception.*—Any proposed reprogramming must be submitted to the Committee in writing prior to implementation if it exceeds $500,000 annually or results in an increase or decrease of more than 10 percent annually in affected programs, with the following exception:

With regard to the tribal priority allocations activity of the Bureau of Indian Affairs, Operations of Indian Programs account, there is no restriction on reprogrammings among the programs within this activity. However, the Bureau shall report on all reprogrammings made during the first six months of the fiscal year by no later than May 1 of each year, and shall provide a final report of all reprogrammings for the previous fiscal year by no later than November 1 of each year.

4. *Quarterly Reports.*—(a) All reprogrammings shall be reported to the Committee quarterly and shall include cumulative totals. (b) Any significant shifts of funding among object classifications also should be reported to the Committee.

5. *Administrative Overhead Accounts.*—For all appropriations where costs of overhead administrative expenses are funded in part from ''assessments'' of various budget activities within an appropriation, the assessments shall be shown in justifications under the discussion of administrative expenses.

6. *Contingency Accounts.*—For all appropriations where assessments are made against various budget activities or allocations for contingencies, the Committee expects a full explanation, separate from the justifications. The explanation shall show the amount of the assessment, the activities assessed, and the purpose of the fund. The Committee expects reports each year detailing the use of these funds. In no case shall a fund be used to finance projects and activities disapproved or limited by Congress or to finance new permanent positions or to finance programs or activities that could be foreseen and included in the normal budget review process. Contingency funds shall not be used to initiate new programs.

7. *Declarations of Taking.*—The Committee directs the Bureau of Land Management, the U.S. Fish and Wildlife Service, the National Park Service, and the Forest Service to seek Committee approval in advance of filing declarations of taking.

8. *Report Language.*—Any limitation, directive, or earmarking contained in either the House or Senate report which is not contradicted by the other report nor specifically denied in the conference report shall be considered as having been approved by both Houses of Congress.

9. *Forest Service.*—The following procedures shall apply to the Forest Service, Department of Agriculture:

(a) The Forest Service shall not change the boundaries of any region, abolish any region, move or close any regional office for research, State and private forestry, or National Forest System administration, without the consent of the House and Senate Committees on Appropriations in compliance with these reprogramming procedures.

(b) Provisions of section 702(b) of the Department of Agriculture Organic Act of 1944 (7 U.S.C. 2257) and of 7 U.S.C. 147b shall apply to appropriations available to the Forest Service only to the extent that the proposed transfer is approved by the House and Senate Committees on Appropriations in compliance with these reprogramming procedures.

10. *Assessments.*—No assessments shall be levied against any program, budget activity, subactivity, or project funded by the Interior Appropriations Act unless such assessments and the basis therefore are presented to the Committees on Appropriations and are approved by such Committees, in compliance with these procedures.

11. *Land Acquisitions and Forest Legacy.*—Lands shall not be acquired for more than the approved appraised value (as addressed in section 301(3) of Public Law 91–646) except for condemnations and declarations of taking, unless such acquisitions are submitted to the Committees on Appropriations for approval in compliance with these procedures.

12. *Land Exchanges.*—Land exchanges, wherein the estimated value of the Federal lands to be exchanged is greater than $500,000, shall not be consummated until the Committees on Appropriations have had a 30–day period in which to examine the proposed exchange.

13. The appropriation structure for any agency shall not be altered without advance approval of the House and Senate Committees on Appropriations.

COMPETITIVE SOURCING

The managers support the underlying principle of the Administration's competitive sourcing initiative, which is that the government must continually strive to improve the efficiency of its operations and the delivery of the services it provides to the citizens of the United States. The managers are concerned that this far-reaching initiative appears to be on such a fast track that the Congress and the public are neither able to participate nor understand the costs and implications of the decisions being made. The

managers remain concerned that the Administration has failed to budget adequately for the cost of the initiative and to justify such costs in budget documents. As a result, significant sums are being expended in violation of reprogramming guidelines and at the expense of critical, on-the-ground work such as the maintenance of Federal facilities. While millions have been spent to date, reprogramming letters have not been forwarded to the House and Senate Committees on Appropriations and funds have been diverted from important programs.

The managers have included bill language in Title III, General Provisions, outlining specific spending limits and reporting requirements for each program, project, and activity affected by the competitive sourcing initiative. These fiscal year 2004 funding instructions apply to all studies for which work has not yet begun, even though a department or agency may have previously announced plans to conduct such studies. The managers note that these requirements should not be construed as opposition to the careful and considered conduct of a competitive sourcing program. The managers want to ensure that there is full disclosure on the use of appropriated funds in order to enable Congress and the public to evaluate the costs and tradeoffs involved in an initiative of this magnitude.

TITLE I—DEPARTMENT OF THE INTERIOR

BUREAU OF LAND MANAGEMENT

MANAGEMENT OF LANDS AND RESOURCES

The conference agreement provides $850,321,000 for management of lands and resources instead of $834,088,000 as proposed by the House and $847,091,000 as proposed by the Senate.

Changes to the House for land resources include increases of $1,000,000 for the National Center for Invasive Plant Management, $500,000 for Idaho weed control, $200,000 for the Rio Puerco watershed, and $200,000 for range monitoring.

The bureau is urged to implement the provisions of a Candidate Conservation Agreement in Idaho concerning Lepidium Papilliferdum should adequate funding exist.

The managers expect the bureau to use the additional funds provided for range management to increase service to grazing permittees by increasing cooperative monitoring on grazing allotments.

Changes to the House for recreation management include an increase of $1,000,000 for the Undaunted Stewardship Program and decreases of $500,000 for Otay Mountains management, and $1,000,000 for the National Landscape Conservation System.

Changes to the House for energy and minerals include an increase of $1,500,000 for processing applications to drill for coalbed methane and conventional fuels on the public lands.

The managers direct that the additional funds for processing applications for coalbed methane and conventional oil and natural gas be earmarked for Colorado, Montana, New Mexico, and Utah. The managers believe that the Bureau has made progress developing necessary mechanisms to ensure that the backlog of oil and gas permitting activities will be addressed in a timely manner. Based on this assessment, the managers have modified Senate report language to give the Director of the Bureau of Land Management the discretion on whether to implement the pilot program outlined in Senate report 108–89.

Several years ago, the Appropriations Committees recognized the need to increase staffing for the Bureau's energy activities to ensure that additional amounts of clean natural gas could be produced on Federal lands where production could be accomplished in an environmentally balanced manner. Based on the recently completed Environmental Impact Statement for the Powder River Basin and increased staffing for the Buffalo and Miles City field offices, the managers expect more than 3,000 permits to drill will be issued in 2004.

The managers understand that the greater Green River and Uinta-Piceance basins have large amounts of producible natural gas. The managers have provided additional resources for these field offices as well as for promising basins in New Mexico, Colorado and Utah. The managers urge the Bureau to contract for the next Energy Policy Act basin study. This information is essential for making decisions on future energy production. The Bureau should continue to work diligently to reduce impediments to production.

The change to the House for Alaska minerals is an increase of $262,000.

Changes to the House for realty and ownership management include increases of $9,500,000 for Alaska conveyance, $1,000,000 for GIS mapping in Utah, $225,000 for Spirit/Twin Lakes Omitted Lands Act activities, $1,000,000 for rights-of-way cost recovery, $750,000 for the Alaska public lands database, and $1,000,000 for recordable disclaimer applications in Alaska.

The managers support the Bureau's efforts to continue implementing realty actions set forth in the Clark County Act.

Changes to the House for resource protection and maintenance include decreases of $200,000 for desert rangers in California, $200,000 for the restoration of lands in Arizona damaged by undocumented aliens, and $500,000 for Imperial Sand Dunes law enforcement and management.

The change to the House for transportation and facilities maintenance is an increase of $1,000,000 for capping oil wells in the National Petroleum Reserve Alaska.

The change to the House for challenge cost share is a decrease of $504,000.

The managers retained House language for the horse and burro program instead of Senate language, which had minor technical differences.

WILDLAND FIRE MANAGEMENT

The conference agreement provides $792,725,000 for wildland fire management instead of $698,725,000 as proposed by both the House and the Senate. The total includes $99,000,000 to repay prior year advances as described below.

The change to the House for preparedness is a decrease of $25,000,000 of which $20,000,000 is redirected to fire suppression operations.

The change to the House for other operations is a decrease of $5,000,000 that is redirected to fire suppression operations.

The change to the House fire suppression operations is an increase of $25,000,000. This funds fire suppression operations at the ten-year average.

The managers have provided an additional $99,000,000 in emergency funding as requested by the Administration to repay prior year advances from other appropriation accounts from which funds were transferred for wildfire suppression activities.

The managers retain Senate language establishing criteria for contracting certain fire activities; the House had similar language.

CENTRAL HAZARDOUS MATERIALS FUND

The conference agreement provides $9,978,000 for the central hazardous materials fund as proposed by the House and the Senate.

CONSTRUCTION

The conference agreement provides $13,976,000 for construction instead of $10,976,000 as proposed by the House and $12,476,000 as proposed by the Senate.

Changes to the House for construction include increases of $1,000,000 for the construction of the California Trail Interpretive Center in Nevada and $2,000,000 for site preparation work associated with the construction of the Agua Caliente Cultural Museum in California. This completes the Bureau's participation in the Agua Caliente project.

LAND ACQUISITION

The conference agreement provides $18,600,000 for land acquisition instead of $14,000,000 as proposed by the House and $25,600,000 as proposed by the Senate. Funds should be distributed as follows:

Area (State)	*Amount*
Blackfoot River Watershed (MT)	$3,000,000
California Wilderness (CA)	750,000
Canyon of the Ancients NM (CO)	600,000
Chain-of-Lakes RMA (MT)	1,750,000
Elkhorn/Ironmask (MT)	750,000
Kasha-Katuwe Tent Rocks NM (NM)	1,500,000
Lower Salmon River ACEC (ID)	750,000
Otay Mountains/Kuchama AHCP (CA)	1,000,000
Sandy River/Oregon NHT (OR)	1,000,000
Santa Rosa and San Jacinto Mountains NM (CA)	750,000
Upper Snake/South Fork Snake River (ID)	1,250,000
Washington County HCP (UT)	500,000
Subtotal	13,600,000
Land Equalization Payment	500,000
Acquisition Management	3,500,000
Emergency/Inholdings/Relocation	1,000,000
Total	18,600,000

OREGON AND CALIFORNIA GRANT LANDS

The conference agreement provides $106,672,000 for Oregon and California grant lands as proposed by both the House and the Senate.

RANGE IMPROVEMENTS

The conference agreement provides an indefinite appropriation for range improvements of not less than $10,000,000 as proposed by the both the House and the Senate.

SERVICE CHARGES, DEPOSITS, AND FORFEITURES

The conference agreement provides an indefinite appropriation for service charges, deposits, and forfeitures, which is estimated to be $18,657,000 in the Senate bill instead of an estimated $20,490,000 in the House bill.

Changes to the House estimate for service charges, deposits, and forfeitures include decreases of $1,333,000 for rights-of-way processing and $500,000 for realty cost recovery.

MISCELLANEOUS TRUST FUNDS

The conference agreement provides an indefinite appropriation of $12,405,000 for miscellaneous trust funds as proposed by both the House and the Senate.

UNITED STATES FISH AND WILDLIFE SERVICE

RESOURCE MANAGEMENT

The conference agreement provides $963,352,000 for resource management instead of $959,901,000 as proposed by the House and $942,244,000 as proposed by the Senate. The numerical changes described below are to the House recommended level.

In endangered species programs, there are increases in candidate conservation of $150,000 for Alaska sea otter and walrus and

$10,000 for slickspot peppergrass. In recovery, there are increases of $100,000 for wolf recovery efforts of the Nez Perce Tribe, $100,000 for the Service's Snake River Basin office wolf recovery efforts, $460,000 for the Idaho Office of Species Conservation wolf recovery efforts, $2,000,000 for Atlantic salmon grants administered by the National Fish and Wildlife Foundation, $500,000 for Lahontan cutthroat trout, $150,000 for fresh water mussels at the White Sulphur Springs NFH, WV, and $900,000 for Eider recovery through the Alaska SeaLife Center. There is also an increase in recovery of $15,000 for wolf monitoring in Montana and Wyoming, which provides a total of $515,000 for efforts in those two States.

In habitat conservation, increases for the partners for fish and wildlife program include $500,000 for the Montana Water Center wild fish habitat initiative, $1,250,000 for Nevada biodiversity research, $100,000 for bald eagle restoration through the Vermont natural heritage partners program, $750,000 for Hawaii endangered species, $700,000 for Hawaii invasive species control, $500,000 for ferret reintroduction on Rosebud Sioux tribal lands, $850,000 for wildlife enhancement in Starkville, MS, and $50,000 for technical assistance at the New Jersey Meadowlands. There are also decreases in the partners program of $500,000 for Walla Walla Basin fish passage and salmon recovery, $250,000 for restoration in the Tunkhannock and Bowman's Creek watersheds in Pennsylvania, and a general decrease of $4,000,000. There is an increase in project planning of $550,000 for Middle Rio Grande/Bosque research.

In refuge operations and maintenance there are general decreases of $3,000,000 for refuge operations and $3,000,000 for refuge maintenance.

In migratory birds programs, increases include $575,000 for seabird bycatch reduction and $800,000 for management of albatross in the north Pacific.

In law enforcement operations, increases include $700,000 for a Louisville, KY port of entry and $700,000 for a Memphis, TN port of entry. There are also decreases of $1,000,000 for wildlife inspectors along the northern and southern borders and $450,000 for the Atlanta, GA port of entry.

In fishery programs, there is a decrease of $312,000 for hatchery operations. In fish and wildlife management, increases include $250,000 for the Connecticut River Commission, $300,000 for whirling disease research through the National Partnership on Management of Wild and Native Coldwater Fisheries, $100,000 for resistant trout research with the Whirling Disease Foundation Health Center in Montana, $400,000 for the Wildlife Health Center in Montana, $403,000 for Yukon River salmon treaty implementation, $150,000 for fish passage adjacent to railroads in Alaska, $250,000 for the Regional Mark Processing Center, and $1,000,000 for marine mammal population surveys in Alaska.

In general administration, increases include $450,000 for operations and maintenance at the National Conservation Training Center, WV, and $400,000 for the Caddo Lake Ramsar Center in Texas.

Bill Language.—The conference agreement includes the House earmark of $2,000,000 for Natural Communities Conservation Planning, as provided in past years, rather than suggesting that this program compete for funds through the cooperative endangered species program as proposed in Senate report language. The conference agreement does not include Senate language on economic development in Starkville, MS, but $850,000 is included under the partners for fish and wildlife program for wildlife enhancement in Starkville, MS.

The managers continue to be concerned about the Service's cost allocation methodology. The Inspector General is currently examining this issue. The Service should work closely with the Inspector General and the House and Senate Committees on Appropriations to resolve the current problems in CAM. The managers agree that CAM needs to be reformed so that it is clearly justified and transparent. It is inappropriate to supplement shortfall funding in headquarters and regional office budgets using CAM. The Service should realign its budget justification line items to budget accurately for the costs of headquarters and regional offices and clearly explain what costs are included in CAM and why.

The managers agree to the following:

1. There is up to $15,000,000 in the Forest Service budget for ESA consultation work associated with fuels reduction projects but these funds have not been fully utilized by the Service. The Service should work more closely with the Forest Service to see that those funds are released in a timely manner to address critical fuels reduction needs in Montana and elsewhere.

2. Sixty percent of the funding provided for wolf monitoring in Montana and Wyoming is for work in Montana and 40 percent is for work in Wyoming.

3. The partners for fish and wildlife program has been very successful and any increase in base program funding should be used by the Service to fund additional projects within the context of the existing program.

4. While appreciating the merits of an oyster revitalization program in Delaware Bay, no funding is included because this program should be under the jurisdiction of the National Marine Fisheries Service rather than the U.S. Fish and Wildlife Service.

5. The $50,000 provided for the New Jersey Meadowlands project in the partners for fish and wildlife program should be used together with unobligated balances available from fiscal year 2003, and the appropriate amount needed for the project in fiscal year 2005 should be included in the budget request for fiscal year 2005.

6. None of the funds provided for the Caddo Lake Ramsar Center in Texas may be used for infrastructure or construction-related projects.

7. The Service may use a portion of the funds provided for fish passage to continue its effort to develop a computerized fish passage decision support system.

8. With the increase provided for the National Partnership on Management of Wild and Native Coldwater Fisheries whirling disease program, there is a total of $1 million for that program in fiscal year 2004.

9. With the increase provided for resistant trout research with the Whirling Disease Foundation, there is a total of $350,000 for that program in fiscal year 2004.

10. The reprogramming request for expansion of the Service's California/Nevada Office is approved with the understanding that the Service will keep the House and Senate Committees on Appropriations advised on at least a semi-annual basis of progress in phasing-in the additional staffing for the office.

11. Within the funds provided for refuge operations and maintenance, $450,000 should be used for rodent control at the Alaska Maritime NWR.

12. There is no earmark within available funds in the refuge operations and maintenance budget for spartina grass control at the Willapa NWR, WA, because the conference agreement provides an increase of $300,000 for that program as proposed by the House.

13. The Service should work closely with the office of aircraft services to develop a plan for replacement of aircraft. Increased payments to the OAS reserve account will need to be phased in over time and the necessary increases should be included in future budgets as uncontrollable cost increases and should not be funded at the expense of the base budget.

14. While the managers have accepted the travel reductions proposed in the budget request, mission essential travel, including travel associated with mandatory or Service-critical training requirements, should not be reduced.

15. The managers are aware that the U.S. Fish and Wildlife Service has provided assistance to private entities attempting to remove cattle from Chirikof Island in the Alaska Maritime NWR. Given that these efforts have not been entirely successful, the managers urge the Service to work with the State and interested stakeholders on alternative strategies for cattle management. The managers further encourage the State to consider making range available on nearby State-owned islands.

16. In 2003, the Don Edwards National Wildlife refuge expanded by 10,000 acres as a result of acquisition of the former Cargill Salt Ponds, which was financed mainly by nonfederal sources. The managers recognize that this expansion may require an increase in the operating budget for the refuge.

CONSTRUCTION

The conference agreement provides $60,554,000 for construction instead of $52,718,000 as proposed by the House and $53,285,000 as proposed by the Senate. Funds are to be distributed as follows:

[Dollars in thousands]

Project	Description	Disposition
Alaska Maritime NWR, AK	Equip visitor center	$400
Anchorage Int'l Airport, AK	Hangar—Phase II [cc]	5,000
Audubon Center for Research of Endangered. Species, LA.	Whooping Crane Breeding Facility [cc].	1,200
Bear River NWR, UT	Water mgmt. improvements	500
Bitter Lake NWR, NM	Joe Skeen Visitors Center [cc].	1,400
Bozeman Fish Technology Center, MT.	Laboratory/Administration Building—Phase V [cc].	1,887
Cabo Rojo NWR, PR	Replace Office Building (Seismic)—Phase II [cc].	3,700
Canaan Valley NWR, WV	Visitor improvements/law enforcement housing.	600
Cape Romain, NWR, SC	Dike/Water control structures [c].	500
Clark R. Bavin Forensics Laboratory, OR.	Security upgrades (not funded in 2003).	765
Crab Orchard NWR, IL	Devil's Kitchen Dam—Phase I [d].	500
Dam Safety	Structural Studies (not funded in 2003).	660
Entiat NFH, WA	Seismic Safety Rehabilitation of Four Buildings—Phase I [p/d].	120
Garrison Dam, ND	Fish pond improvements	300
Iron River NFH, WI	Replace Domes at Schacte Creek with Buildings—Phase III [cc].	600
Jordan River NFH, MI	Replace Great Lakes Fish Stocking Vessel, M/V Togue—Phase III [cc].	5,500
Kenai NWR, AK	Cabins, trails, campgrounds	1,000
Kodiak NWR, AK	Visitor Center [c]	1,000
Kofa NWR, AZ	Seismic Safety Rehabilitation—Phase I [p/d].	350
Lacreek NWR, SD	Little White River Dam—Phase II [d].	730
Lahontan NFH, NV	Seismic Safety Rehabilitation of Two Buildings—Phase I [p/d].	70
Makah NFH, WA	Seismic Safety Rehabilitation of One Building—Phase I [p/d].	80
Mammoth Springs NFH, AR	Visitor center renovation [c]	1,000
National Eagle Repository, CO.	Repository incinerator [p/d/cc].	110
Neosho NFH, MO	Office and Visitors Center [c].	1,000
Northeast Fishery Center Complex, PA.	Laboratory expansion, accessible fishing, etc.	1,150
Northwest Power Planning Area.	Fish screens, etc	3,000
Ohio River Islands NWR, WV	Visitors Center, office space & equipment [cc].	1,561
Okeefenokee Concession, GA	Concession facility	525
Puerto Rican Parrot, PR	Replace/Relocate Aviary	1,700
Security Upgrades	Servicewide (not funded in 2003).	700
Servicewide	Bridge Safety Inspections	575

[Dollars in thousands]

Project	Description	Disposition
Servicewide	Dam Safety Programs and Inspections.	730
Servicewide	Replace Survey Aircraft	1,000
Servicewide	Initial inspections for recently acquired dams.	1,291
Sevilleta NWR, NM	Laboratory construction	1,000
Silvio O. Conte NWR, VT	Nulhegan Div. visitor contact station, office & maintenance buildings [p/d].	450
Visitor Contact Facilities	Servicewide	3,000
White Sulphur Springs NFH, WV.	Equipment upgrades	50
Winthrop NFH, WA	Seismic Safety Rehabilitation of Four Buildings—Phase I [p/d].	130
Wolf Creek NFH, KY	Visitors Center [cc]	2,100
World Birding Ctr., TX	Construction	1,300
Subtotal, Line Item Construction.		49,234
Nationwide Engineering Services:		
Cost Allocation Methodology		3,058
Environmental Compliance		1,650
Other, non-project specific Nationwide Engineering Services.		6,262
Seismic Safety Program		200
Waste Prevention, Recycling Environmental Mgmt.		150
Subtotal, Nationwide Engineering Services.		11,320
Total		60,554

The managers agree to the following:

1. Language is included in the resource management account and the departmental management account concerning the replacement of survey aircraft.

2. The funding provided for equipment at the Alaska Maritime NWR, AK, completes the Service's commitment for construction of this project.

3. The funding provided for cabins, trails, and campgrounds at the Kenai NWR, AK, is the full amount needed for this project.

4. The funding provided for laboratory expansion and other improvements at the Northeast Fishery Center Complex, PA, is the full amount needed for these projects.

5. No funding is provided for a master plan and environmental assessment at the Patuxent Research Center, MD. The Service should work closely with the U.S. Geological Survey to develop a budget for this program that clearly and fairly delineates the funding requirements for each of the bureaus. The Service should not fund any costs that are not specifically required for the refuge. The USGS should fund the costs related to the research center.

6. The funding provided for replacing the Puerto Rican parrot aviary is the full Federal share from the Service's construction budget.

7. The funding provided for the Wolf Creek NFH, WV, visitor center completes this project.

LAND ACQUISITION

The conference agreement provides $43,628,000 for land acquisition instead of $23,058,000 as proposed by the House and $64,689,000 as proposed by the Senate. Funds should be distributed as follows:

Area (State)	*Amount*
Alaska Peninsula NWR (AK)	$250,000
Baca NWR (CO)	7,000,000
Back Bay NWR (VA)	750,000
Balcones Canyonland NWR (TX)	2,000,000
Big Muddy NFWR (MO)	500,000
Boyer Chute NWR (NE)	500,000
Canaan Valley NWR (WV)	600,000
Cape May NWR (NJ)	750,000
Chickasaw NWR (TN)	750,000
Clarks River NWR (KY)	500,000
Dakota Tallgrass Prairie (SD)	1,000,000
Great River NWR (MO/IL)	500,000
Great Swamp NWR (NJ)	750,000
James Campbell NWR (HI)	250,000
Lower Hatchie NWR (TN)	1,800,000
Lower Rio Grande NWR (TX)	1,000,000
Northern Tallgrass Prairie (MN/IA)	470,000
Patoka River NWR (IN)	500,000
Rachel Carson NWR (ME)	750,000
Red River NWR (LA)	500,000
Rhode Island refuge complex (RI)	1,000,000
San Diego NWR (CA)	2,000,000
Silvio O Conte NWR (MA/NH/VT)	750,000
Togiak NWR (AK)	1,000,000
Waccamaw NWR (SC)	1,300,000
Western Montana Project/Blackfoot Challenge	2,000,000
White Sulphur Springs NFH (WV)	400,000
Yukon Flats NWR (AK)	500,000
Subtotal	30,070,000
Acquisition Management	8,500,000
Emergencies and Hardship	1,000,000
Exchanges	500,000
Inholdings	1,500,000
Cost Allocation Methodology (CAM)	2,058,000
Total	43,628,000

The managers are supportive of the Detroit River International Wildlife Refuge but have deferred decisions on further appropriations at this time based on information from the Service that additional funds could not be obligated in 2004. Further acquisitions have been delayed pending resolution of outstanding issues related to contaminants. The managers strongly encourage the Service to work to address these issues so that further development of the refuge can proceed.

The managers understand and appreciate the potential benefits of a proposed expansion of the James Campbell National Wildlife Refuge on the island of Oahu, Hawaii. The expansion would restore over 800 acres of prime wetland habitat, while simultaneously mitigating flood risks for neighboring communities. The managers strongly urge the Service to work expeditiously to complete action on the joint EIS.

The managers have not included funding for Minnesota Valley National Wildlife Refuge because there are presently no options to purchase land.

LANDOWNER INCENTIVE PROGRAM

The conference agreement provides $30,000,000 for the landowner incentive program instead of $40,000,000 as proposed by both the House and the Senate.

STEWARDSHIP GRANTS

The conference agreement provides $7,500,000 for stewardship grants instead of $10,000,000 as proposed by both the House and the Senate.

COOPERATIVE ENDANGERED SPECIES CONSERVATION FUND

The conference agreement provides $82,614,000 for the cooperative endangered species conservation fund instead of $86,614,000 as proposed by both the House and the Senate. The managers have agreed to a decrease of $4,000,000 for Section 6 grants.

NATIONAL WILDLIFE REFUGE FUND

The conference agreement provides $14,414,000 for the national wildlife refuge fund as proposed by both the House and the Senate.

NORTH AMERICAN WETLANDS CONSERVATION FUND

The conference agreement provides $38,000,000 for the North American wetlands conservation fund instead of $24,560,000 as proposed by the House and $42,982,000 as proposed by the Senate. Increases to the House proposed level include $12,902,000 for wetlands conservation and $538,000 for administration.

NEOTROPICAL MIGRATORY BIRD CONSERVATION

The conference agreement provides $4,000,000 for Neotropical migratory bird conservation instead of $5,000,000 as proposed by the House and $3,000,000 as proposed by the Senate.

MULTINATIONAL SPECIES CONSERVATION FUND

The conference agreement provides $5,600,000 for the multinational species conservation fund instead of $5,000,000 as proposed by the House and $6,000,000 as proposed by the Senate. Changes to the House level include an increase of $200,000 each for the African elephant program, the Asian elephant program, and the great apes program.

STATE AND TRIBAL WILDLIFE GRANTS

The conference agreement provides $70,000,000 for State and tribal wildlife grants instead of $75,000,000 as proposed by both the House and the Senate.

Bill Language.—The conference agreement earmarks $6,000,000 for competitive grants with tribes as proposed by the House instead of $5,000,000 as proposed by the Senate. The conference agreement does not include bill language proposed by the Senate on the use of funds for education efforts. This issue is addressed below.

The managers agree that the purpose of State and tribal wildlife grants is to restore and protect habitat. To the extent that an education component is critical to the success of a habitat restoration and preservation project, it is permissible. The managers expect that such an education component should involve a de minimus amount of funding and will not be required for many projects. An example of an acceptable education component is on-site posting of signs explaining the purpose of a habitat restoration project and explaining why it is important to avoid trespassing on newly restored habitat. Another example is the development of an explanatory handout or simple brochure that could be distributed to interested parties. In no case should the cost of an education component exceed 10 percent of the funding for a project.

While the managers agree that there may be synergies between the State and tribal wildlife grant program and the State assistance program in the National Park Service, the managers caution the Service and the States that the mission of the State and tribal wildlife grant program is habitat restoration and preservation.

ADMINISTRATIVE PROVISIONS

The conference agreement includes language referring to the reprogramming guidelines in the front of the statement of the managers accompanying this Act. The House and Senate had referenced the reprogramming guidelines in earlier reports.

NATIONAL PARK SERVICE

OPERATION OF THE NATIONAL PARK SYSTEM

The conference agreement provides $1,629,641,000 for the operation of the national park system instead of $1,630,882,000 as proposed by the House and $1,636,299,000 as proposed by the Senate.

The conference agreement provides $340,114,000 for resource stewardship. Changes to the House level include a reduction of $1,106,000 to restore half of the fiscal year 2003 across the board reduction, an increase of $3,102,000 for park specific increases, a reduction of $2,924,000 for inventory and monitoring programs, an increase of $225,000 for Cumberland Piedmont Network, and an increase of $375,000 for Vanishing Treasures.

The conference agreement provides $324,348,000 for Visitor Services. Changes to the House level include a decrease of $1,031,000 to restore half of the fiscal year 2003 across the board reduction, and an increase of $649,000 for park specific increases.

The conference agreement provides $567,230,000 for maintenance. Changes to the House level include a reduction of $1,701,000 to restore half of the fiscal year 2003 across the board reduction, an increase of $1,765,000 for park specific increases, and a reduction of $2,000,000 for facility condition assessments.

The conference agreement provides $286,378,000 for park support. Changes to the House level include reductions of $516,000 for park specific increases, $500,000 for management accountability review, and $927,000 to restore half of the fiscal year 2003 across the board reduction and increases of $300,000 for partnership wild and scenic rivers programs and $400,000 to expand the volunteers in parks programs.

The conference agreement provides $114,571,000 for external administrative costs. This is a reduction of $352,000 from the House level.

There is a general reduction of $3,000,000.

Within the maintenance account, the managers direct the following: $300,000 for landscape improvements at Gettysburg NMP, $550,000 for improvements to comfort stations and the North Shore Cemetery at Great Smoky Mountains NP in North Carolina, $210,000 for a water connection at Indiana Dunes NL, $250,000 for access improvements at Apostle Islands NL, $200,000 for rehabilitation at Valley Forge NMP, $300,000 for Ocmulgee NM repairs, and $250,000 for a boundary survey and $200,000 for building stabilization and demolition work at New River Gorge NR, West Virginia. Up to $1 million of funds appropriated for repair and rehabilitation should be used for maintenance work associated with the First Flight Centennial Celebration at the Wright Brothers National Memorial, North Carolina.

In addition to the statutory requirements and limitations agreed to in this bill, the managers believe that the National Park Service in reviewing requests for use of the Mall for special events should ensure that event organizers have addressed the requirements which such events may impose on public transportation systems and, when events involve very large numbers of visitors or unusual times, ensure that these needs have been coordinated with the Washington Metropolitan Transportation Authority.

The managers urge the Service to provide, to the extent possible, the necessary support for the administration of the National Historic Lighthouse Preservation Act. Within the increases provided above the request for base operations, $500,000 is provided for nationally designated trails.

UNITED STATES PARK POLICE

The conference agreement provides $78,859,000 for the United States Park Police, as proposed by the House instead of $78,349,000 as proposed by the Senate.

The National Academy of Public Administration conducted a comprehensive review of the U.S. Park Police's mission, budget, staffing and other functions and issued a report to the House and Senate Committees on Appropriations in August 2001. The report raised concerns about budget accountability, management issues, and overtime. In addition, the Academy made a recommendation to the Secretary and the Director of the National Park Service to clarify and streamline the mission, responsibilities and priorities of the Park Police. To date this has not been done.

During the past few months, the managers have become increasingly concerned that most of the Academy's major recommendations have not been implemented and that cost growth continues in several areas, particularly the use of overtime. Therefore, the managers direct the Park Police to contract with the Academy for a follow-up review of the actions taken on their recommendations. The managers strongly urge the Secretary to place a high priority on addressing this issue in a timely manner.

NATIONAL RECREATION AND PRESERVATION

The conference agreement provides $62,544,000 for national recreation and preservation, instead of $54,924,000 as proposed by the House and $60,154,000 as proposed by the Senate.

The conference agreement provides $555,000 for recreation programs. The change to the House is a reduction of $300,000 for the federal lands to parks program.

The conference agreement provides $11,011,000 for natural programs. There are no changes to the House level.

The managers are concerned about the finding of the House Appropriation Committee's Surveys and Investigative staff report on the Rivers and Trails technical assistance program. The report raises concerns about the accuracy of the published guidance regarding the availability of financial assistance, the use of non-competitive grants through cooperative agreements and oversight of the program.

The managers continue to support strongly this technical assistance program and recognize that there has been valuable assistance provided to many communities over the years. However, the managers insist that the officially published guidelines clearly reflect what specific types of assistance are available to communities and set a national deadline for applications. In addition, the program should reassess its use of non-competitive cooperative agreements. The Service should address the issues raised in the study in a report to the House and Senate Committees on Appropriations within 60 days of enactment of this Act.

The conference agreement provides $19,936,000 for cultural programs. Changes from the House level include increases of $765,000 for national register programs and $100,000 for technical assistance at Gettysburg Battlefield NHD. Within available funds, $300,000 is provided to continue activities of Heritage Preservation, Inc.

The conference agreement provides $1,626,000 for International park affairs, the same level as the House and Senate.

The conference agreement provides $401,000 for environmental compliance review, the same level as the House and Senate.

The conference agreement provides $1,595,000 for grant administration, the same level as the House and Senate.

The conference agreement provides $14,453,000 for nationally designated heritage areas. Funds, excluding $124,000 for administrative costs, are to be distributed as follows:

Project	*Amount*
America's Agricultural Heritage Partnership	$750,000
Augusta Canal National Heritage Area	400,000
Automobile National Heritage Area	600,000
Blue Ridge National Heritage Area	500,000
Cache La Poudre River Corridor	45,000
Cane River National Heritage Area	800,000
Delaware and Lehigh National Heritage Corridor	800,000
Erie Canalway National Corridor	600,000
Essex National Heritage Area	1,000,000
Hudson River Valley National Heritage Area	550,000
Illinois & Michigan Canal National Heritage Corridor	600,000
John H. Chafee Blackstone River Valley NHC	795,000
Lackawanna Valley National Heritage Area	550,000
National Coal Heritage Area	123,000
Ohio and Erie Canal National Heritage Corridor	1,000,000
Quinebaug and Shetucket Rivers Valley NHC	800,000
Rivers of Steel National Heritage Area	1,000,000
Schuylkill River Valley National Heritage Area	497,000
Shenandoah Valley Battlefields NH District	500,000
South Carolina National Heritage Corridor	1,000,000
Tennessee Civil War Heritage Area	209,000
Wheeling National Heritage Area	1,000,000
Yuma Crossing National Heritage Area	210,000
Total	14,329,000

The conference agreement provides $12,967,000 for statutory or contractual aid, instead of $6,471,000 as proposed by the House and $9,919,000 as proposed by the Senate. The funds are to be distributed as follows:

Project	*Amount*
Benjamin Franklin Tercentenary Commission	$200,000
Blue Ridge Parkway (Folk Art Center)	750,000
Brown Foundation	200,000
Chesapeake Bay Gateways	2,500,000
Dayton Aviation Heritage Commission	87,000
Flight 93 Memorial	298,000
French and Indian War (PA)	500,000
Harry S. Truman Statue	50,000
Ice Age National Scientific Reserve	806,000
Jamestown 2007	199,000
Johnstown Area Heritage Association	49,000
Lake Roosevelt Forum	50,000
Lamprey River	1,000,000
Mandan Interpretive Center and Lodge Project	500,000
Martin Luther King, Jr. Center	528,000
Native Hawaiian Culture and Arts Program	740,000
New Orleans Jazz Commission	66,000
Oklahoma City Memorial	1,600,000
Office of Arctic Studies	1,500,000
Roosevelt Campobello International Park Commission	847,000
Sleeping Rainbow Ranch, Capitol Reef NP	497,000
Total	12,967,000

Funds provided for the Office of Arctic Studies are for work in cooperation with the Anchorage Museum Foundation and funds provided for Sleeping Rainbow Ranch are for work in cooperation with the Utah Valley State College. The $175,000 provided in the Senate bill for activities to commemorate the Louisiana Purchase at the Jean Lafitte NHP&P in Louisiana will be provided from within the additional funds provided to the Service for park operations.

The managers are aware that the Oklahoma City Trust and the National Park Service are cooperatively exploring a proposal to make changes to the law establishing the Oklahoma City Memorial. In the interim, the managers have included bill language that will allow the Service to establish an operating base to conduct ongoing protection and interpretation activities at the site without the requirement for reimbursement or a non-federal match. Also included is a one-time grant to the Trust of $1,600,000.

The managers have not included bill language as proposed by the House regarding the use of cooperative agreements. This issue has been addressed under natural programs. The Service is directed to continue its support for the Northern Forest Canoe Trail through the challenge cost share program at $250,000.

URBAN PARK AND RECREATION FUND

The conference agreement provides $305,000 for the urban park and recreation fund, the same as the House and the Senate.

HISTORIC PRESERVATION FUND

The conference agreement provides $74,500,000 for the historic preservation fund instead of $71,000,000 as proposed by the House and $75,750,000 as proposed by the Senate. Changes to the House level include an additional $1,000,000 for grants-in-aid to States and Territories, a reduction of $1,000,000 for Historically Black Colleges and Universities, an additional $3,000,000 for Save America's Treasures, and an additional $500,000 for grants-in-aid to the National Trust for Historic Preservation.

Of the $33,000,000 provided for Save America's Treasures, $15,000,000 is for competitive grants. The balance of the funds are to be distributed as follows:

Project/State	*Amount*
Adlai Stevenson House, IL	$100,000
Admiral Theater, Bremerton, WA	200,000
Adventure Gloucester, MA	250,000
Artrain USA Museum, Ann Arbor, MI	150,000
Astoria Column Astoria, OR	345,000
Augusta Theatre, KY	150,000
Avery Point Lighthouse, CT	100,000
Barber Scotia College, NC	100,000
Belfry House, MS	150,000
Belmont Mansion, Philadelphia, PA	200,000
Bemis Auditorium, Bemis, TN	200,000
Benjamin Mays birthplace Greenwood, SC	300,000
Bethany College, Bethany, WV	220,000
Bogalusa City Hall, LA	100,000
Borman Arts Center Martinsburg, WV	100,000
Buckland Preservation, VA	50,000
Camp Washington Carver Cliff Top, WV	150,000
Carillo Ranch, CA	200,000
Cheraw & Darlington Railroad Depot Society Hill, SC	75,000
Chester Academy, Chester, OH	237,000
Conservation of paintings in Old State Capitol, Frankfort, KY	75,000
Council House Grounds, NY	100,000
Crotona Park Bath House, New York, NY	100,000
Davidge Hall Baltimore, MD	350,000
Edgar Allan Poe Cottage, New York, NY	100,000
El Paso Plaza Theater, El Paso, TX	200,000
Emily Dickinson Homestead, Amherst, MA	200,000
Emporium Building, San Francisco, CA	200,000
Estudillo Mansion, CA	250,000
F.W. Woolworth Building, Greensboro, NC	150,000
Falling Waters, PA	100,000
Feehan Memorial Library Mundelein, IL	200,000
Fitz-Green Hallock House, Lake Ronkokoma, NY	40,000
Five Fingers Lighthouse, Juneau, AK	200,000
Fort Reno historic restoration, Fort Reno, OK	300,000
Fox Theatre, WA	250,000
Frank Theater Abbeville, LA	100,000
Fremont Adobe, CA	150,000
French Gratitude Boxcar Bismarck, ND	80,000
Ft. Abercrombie State Historical Site Ft. Abercrombie, ND	200,000
Gen. Joseph Wheeler Home, Pond Spring, AL	150,000
Grand Opera House of the South, Crowley, LA	150,000
Grand Opera, GA	250,000
Gray Building Northfield, VT	250,000
Graycliff Estate Derby, NY	275,000
Great Brick Chapel, St. Mary's City, MD	200,000
H. Alden Smith Mansion, Minneapolis, MN	200,000
Haines House, OH	56,000
Hardman Art Building, Macon, GA	150,000
Hayesville Opera House, OH	92,000
Henry Whitfield House, Guilford, CT	150,000
Homesteak Opera House Lead, SD	375,000
Johnstown Flood Memorial, St. Michael's, PA	325,000
Karl L. King Band Shell, Fort Dodge, IA	253,000
Landers Theatre, MO	250,000
Lloyd House, Alexandria, VA	100,000
Lombard Theatre, IL	300,000
Lopez Adobe, San Fernando, CA	150,000
Madison County Courthouse, MT	250,000
Mansion House, VA	200,000
Marks-Rothenberg Building, Meridian, MS	200,000
Martin Luther King, Jr. Memorial in Columbia, MO	100,000
McKinley High School Baton Rouge, LA	100,000
McKinley Museum, OH	50,000
McVicker House, Irvington, NY	200,000
Metropolitan Hotel Project, Paducah, KY	250,000
Morris Lighthouse, SC	100,000
Municipal Auditorium, LA	100,000
Murphy-Bromelsick House, Lawrence, KS	100,000
Ohio Theatre, OH	25,000
Old Dutch Church repairs, Kingston, NY	100,000
Old Henderson County, Courthouse, NC	400,000
Old Main Building, PA	200,000
Old Marion High School, Marion, SC	200,000
Oneida County Courthouse, WI	240,000
Paramount Theater, Middletown, NY	100,000
Pastime Theatre, AL	50,000
Pendleton Courthouse, WV	100,000
Pennsylvania Academy of Fine Arts, Hamilton Building, Philadelphia, PA	200,000
Perry County Courthouse, OH	180,000
Pontotoc Courthouse and Downtown Restoration, MS	300,000
Providence Performing Arts Center Providence, RI	275,000
Ramirez Solar House, PA	250,000
Rowan Courthouse, KY	50,000
Rye Bath House, Rye NY	200,000
Seaman Mineral Museum Houghton, MI	225,000
Sears Art Deco Tower Miami, FL	125,000
Single Sisters House, NC	200,000
Ste. Genevieve Memorial Cemetery, MO	150,000
Story Mansion, Bozeman, MT	500,000
Sunnyhill Pavillion, KY	200,000
Taliesen West, Scottsdale, AZ	75,000
Tennessee Theatre, TN	47,000
The Grand Jury Building, Eutaw, AL	435,000
The Music Hall, Portsmouth, NH	400,000
Veterans National Cemetery, Alexandria, VA	100,000
Walking Box Ranch Clark County, NV	275,000
Ward Chapel AME Episcopal Church & Museum Prattville, AL	200,000
Wilderstein Preservation, NY	150,000
Total	18,000,000

Bill language is included authorizing the grant to the national trust and setting conditions for Save America's Treasures grants. Funds provided for the historically black colleges and universities are competitive and cost shared at 70 percent federal, 30 percent private.

CONSTRUCTION

The conference agreement provides $333,995,000 for construction instead of $303,199,000 as proposed by the House and $342,131,000 as proposed by the Senate. The funds are to be distributed as follows:

Project	*Amount*
Acadia NP, ME (rehabilitation)	$7,017,000
American Memorial Park, Saipan (upgrade water delivery)	892,000
Badlands NP, SD (safety/ADA deficiencies)	3,996,000
Big Bend NP, TX (plan curatorial facility)	268,000
Big Cypress NPres, FL (complete rehabilitation of ORV trails)	500,000
Blue Ridge Pkwy (historic guard walls)	3,186,000
Blue Ridge Pkwy, NC (visitor center)	1,000,000
Boston Harbor Islands NRA, MA (George's Island)	727,000
Boston NHP, MA (USS Constitution, maintenance facility)	2,408,000
Bryce Canyon NP, UT (renovation)	859,000

Project	Amount
Chesapeake and Ohio Canal NHP, MD (stabilize towpath wall, construct footbridge)	1,538,000
Colonial NHP, VA (visitor center & Jamestown collections)	7,611,000
Colonial NHP, VA (Yorktown museum collection)	725,000
Crater Lake NP, OR (restore historic residence)	999,000
Craters of the Moon NM, ID (upgrade visitor center)	1,334,000
Cuyahoga NRA, OH (rehabilitation)	2,500,000
Dayton Aviation NHP, OH (various)	1,550,000
Delaware Water Gap NRA, PA (cabin replacement)	300,000
Denali NP & Pres, AK	750,000
Eleanor Roosevelt NHS, NY (restoration)	2,750,000
Everglades NP, FL (water system)	12,990,000
Fort Washington Park, MD (rehabilitation)	2,724,000
Frederick Douglass NHS, DC (rehabilitation)	955,000
Fredericksburg & Spotsylvania County Battlefields Memorial NMP, VA (stabilization)	1,560,000
Gateway NRA, NY (rehabilitation)	2,416,000
General Grant NMem, NY (rehabilitation)	1,732,000
George Washington Carver NM, MO (rehab/expand visitor center)	2,000,000
George Washington Memorial Pkwy, VA	400,000
George Washington Memorial Pkwy, VA (Marine Corps War Memorial)	3,383,000
Gettysburg NMP, PA (conservation)	2,000,000
Grand Teton NP, WY (visitor center)	3,000,000
Great Smoky Mountains NP, TN (rehabilitate comfort stations & picnic areas)	525,000
Harpers Ferry NHP, WV (rehabilitate buildings, transportation system)	3,200,000
Homestead NM of America, NE (plan visitor facility)	50,000
Horace M. Albright Training Center, AZ (rehabilitation)	7,437,000
Hot Springs NP, AR	1,012,000
Independence NHP, PA (Independence Square, site rehab)	1,750,000
Independence NHP, PA (Independence Mall improvements)	1,250,000
Indiana Dunes NL, IN (cultural/historic reports)	225,000
Jefferson National Expansion Memorial, MO (security)	4,339,000
John H. Chafee Blackstone River Valley NHC, RI/MA	750,000
L.Q.C. Lamar House NHL, MS	300,000
Lake Mead NRA, NV (wastewater system)	3,514,000
Lincoln Library, IL	5,000,000
Lowell NHP, MA (stabilize/rehabilitate railroad tunnel)	674,000
Mammoth Cave NP, KY (electrical system)	3,593,000
Mammoth Cave NP, KY (water system)	6,014,000
Marsh-Billings-Rockefeller NHP, VT (rehabilitate barn)	750,000
Mesa Verde NP, CO (design curatorial facility)	600,000
Mesa Verde NP, CO (HVAC systems)	1,207,000
Minute Man NHP, MA (protect resources, access)	1,365,000
Moccasin Bend NAD, TN (erosion control)	500,000
Morris Thompson Visitor and Cultural Center, AK	2,250,000
Morristown NHP, NJ (rehabilitation)	1,789,000
Mount Rainier NP, WA (electrical system)	4,000,000
Natchez Trace Parkway (resurfacing)	1,000,000
National Capital Parks-Central (Jefferson Memorial Security)	4,858,000
National Capital Parks-Central (Washington Monument Security-vehicle barrier)	15,100,000
New Bedford Whaling NHP, MA (Corson Building)	2,500,000
New River Gorge NR, WV	2,691,000
Olympic NP, WA (Elwha River restoration)	12,950,000
Organ Pipe Cactus NM, AZ (vehicle barrier)	4,405,000
Pacific Coast Immigration Museum, CA	385,000
Petersburg NB, VA (Appomattox Manor)	881,000
Petrified Forest NP, AZ (rehabilitation)	3,124,000
Puukohola Heiau NHS, HI (re-establish historic scene)	3,046,000
Rock Creek Park, DC (Fitzgerald rehabilitation)	1,400,000
San Francisco Maritime NHP, CA (C.A. Thayer)	4,177,000
Sequoia and Kings Canyon NP, CA (water tanks, fire suppression)	2,210,000
Southwest Pennsylvania Heritage Comm., PA	2,500,000
St. Croix NSR, WI (complete administrative building)	4,900,000
Stones River NB, TN (trails)	300,000
Sun Watch NHL, OH	375,000
Tallgrass Prairie NPres, KS (design resource center)	500,000
Thomas Stone NHS, MD (restrooms, kiosk, office space)	500,000
Timucuan Ecological and Historic Reserve, FL (structural analysis, improvements)	765,000
Tuskegee Airmen NHS, AL (continue planning)	500,000
Utah Public Lands Artifact Preservation Act, UT	3,000,000
Western Arctic National Parklands, AK (heritage and administrative center)	700,000
White House, DC (rehabilitation)	3,443,000
Wind Cave NP, SD (wastewater treatment)	3,909,000
Wrangell-St. Elias NP & Pres, AK (rehabilitation)	933,000
Yellowstone NP, WY (Old House and Old Faithful Inn)	5,973,000
Yellowstone NP, WY (snowcoaches and support infrastructure)	1,892,000
Yellowstone NP, WY (west entrance station)	1,888,000
Subtotal	216,969,000
Emergency/Unscheduled Projects	5,500,000
Housing replacement	8,000,000
Dam safety	2,700,000
Equipment replacement	35,460,000
Construction planning	24,480,000
Construction program management	27,466,000
General management planning	13,420,000
Total	333,995,000

The National Park Service has developed a planning model for visitor facilities that can be a very useful tool for parks contemplating visitor centers and other improvements. The model was developed after extensive research into visitor facilities across the nation, including NPS examples, and visitor facilities developed by other public (Federal, State, local) agencies as well as private museums. The managers expect any proposal for park visitor centers improvements to be run through the model. Project proposals that exceed the model's baseline will receive significant scrutiny.

The model is a predictive tool. Its results on a facility-by-facility basis must be weighed by senior Service officials to determine whether the investment proposed could be justified in light of the tremendous infrastructure and operational needs facing the Service, even if the project is within the model's parameters. The managers remain concerned about the scope and cost of proposed NPS capital improvements, especially visitor and other centers, and will work with the Service to continue addressing this issue. The Service must expand its efforts to manage expectations about future funding, especially very early in the conceptual stages, both for NPS and partnership projects.

Funding is not proposed at this time for further work on the proposed visitor center at Assateague Island National Seashore. In fiscal year 2002, the managers expressed concerns about the scope and cost of the project and directed the Service to provide a report analyzing the costs of the proposed visitor and learning centers. The managers expect the requested report by February 1, 2004, and expect it to include an analysis of the proposed visitor center as compared with the facility-planning model for visitor centers developed by the NPS.

Little Rock Central High School NHS was authorized in 1998. A general management plan, completed in 2002, recommends a visitor facility. The Service has not yet prioritized this project through the line-item construction five-year planning process. While the managers recognize the importance of addressing the most critical deferred maintenance needs of the Service, important mission and resource projects should also be considered in the establishment of construction priorities. The Service should work to analyze the appropriate level of visitor services for this park using the facility-planning model for visitor centers. The park should be aware that recent actions by the managers regarding visitor centers at other small park units have capped facilities in the $3–$4 million range.

No funding is provided for security improvements at Independence National Historical Park in Philadelphia. The managers have deferred funding in light of the unresolved issues between the National Park Service, the Department of the Interior, the Department of Homeland Security, and local interests. The project presented in the budget assumed the closure of Chestnut Street.

Because that closure decision was reversed earlier this year, the managers await a revised plan and cost estimate.

The managers have included $1,750,000 requested in the budget for completion of the site rehabilitation of Independence Square. In addition, $1,250,000 is provided as a Federal contribution toward landscaping improvements for Independence Mall between Independence Hall and the National Constitution Center. The managers are aware of a $17,000,000 estimate to complete the rehabilitation of Independence Mall, and strongly encourage the continued use of partnerships to leverage this Federal investment.

Funding provided for Mesa Verde National Park is to begin planning for the proposed curatorial facility. The managers understand that the concept for the proposed partnership project at Mesa Verde assumes non-Federal funding for the cultural center component of the project. The managers are concerned about the Federal costs of phases 1 (curatorial) and 2 (operations) and expect the Service to examine the scope and costs of these components and to explore opportunities for partnership.

The managers have provided $300,000 to improve lodging conditions at the Pocono Environmental Education Center at Delaware Water Gap NRA, PA. The managers understand the estimated cost of these facility improvements is $2,500,000, and encourage the park and its partner to complete the site development plan before initiating detailed project design. A value analysis of alternatives should be conducted so that the entire project can be completed within the $2,500,000 estimate.

The managers have provided $3,000,000 towards the Federal share of a joint partnership for a proposed new visitor center at Grand Teton National Park. With the deferred maintenance challenges facing the Service, the managers expect parks and partners to seek cost-effective design solutions that address visitor and resource protection needs while recognizing the significant costs needed to address problems across the Service. The managers are concerned about the size and cost of the proposed facility at Grand Teton National Park, which is currently estimated in excess of 29,000 square feet. The managers understand that the current visitor facility at this location is approximately 3,000 square feet, and does not adequately serve the needs of today's visitors. The managers expect the project to be downsized to remain within the parameters of the facility planning model, which is about a 23,000 square foot facility. The managers do not intend for the Federal contribution towards this visitor facility to exceed $8,000,000. Any costs associated with a facility larger than the benchmark should be 100 percent non-Federal.

Funding has been reduced for the security improvements to the Washington Monument consistent with the recent decision by the Department of the Interior to proceed with the vehicle barrier proposal, and not to pursue the underground screening and visitor facility and tunnel. The current approach includes the construction of the vehicle barriers, improvements to the plaza, and landscaping on the mall grounds.

Tallgrass Prairie National Preserve was established in 1996. A general management plan, completed in 2000, recommends a visitor facility. The Service has not yet prioritized this project through the line-item construction five-year planning process. While the managers recognize the importance of addressing the most critical deferred maintenance needs of the Service, important mission and resource projects should also be considered in the establishment of construction priorities. The Service should work to analyze the appropriate level of visitor services for this park using the facility-planning model for visitor centers. The park should be aware that recent actions by the managers regarding visitor centers at other small park units have capped facilities in the $3–$4 million range.

Funding of $500,000 is recommended to complete enhancements at Thomas Stone NHS. Funds provided in fiscal year 2003 allow for renovation of the east wing and improvements to the parking lot. The managers understand that these funds have not yet been obligated. Funding provided this year allows for office improvements to move staff out of the historic home as well as to expand the existing visitor contact station to allow for larger group events. Given the limited visitation to this site, the managers do not recommend significant visitor education space expansion. Progress to complete planning for this project should proceed so that all the work can be accomplished with the funds provided in fiscal years 2003 and 2004.

The managers have not provided funds for the following projects due to a delay in the project construction schedule: Big Bend NP (Chisos Basin water supply), Boston Harbor Islands NRA (Commandant's House), Dry Tortugas NP (stabilize fort), Petersburg NB (maintenance facility), and Rock Creek Park (Meridian Hill Park).

Additional funding is not recommended for Lincoln Home NHS because previously appropriated funds remain unobligated. The managers understand that nearly $700,000 remains from funds appropriated in fiscal years 1994 and 2000.

The managers have provided $1,550,000 for Dayton Aviation NHP for the following projects: $600,000 for interpretive film and wayside exhibits, $800,000 for a parking lot and $150,000 for a historic sites report on 26 South Williams Street. Funds provided in the Senate bill under the construction account for the Harry S Truman statue have been moved to the National Recreation and Preservation account. Funds provided for the Pacific Coast Immigration Museum in California complete the federal investment. Within available funds, the managers direct the Service to complete rehabilitation of the Saratoga Monument.

The managers are concerned that the Department has failed to complete the study authorized in section 7 of Public Law 106–271, the ''Corinth Battlefield Preservation Act of 2000''. The managers direct the Department to complete this study no later than 90 days after the enactment of this Act.

Bill language is included authorizing funds from the historic preservation fund for L.Q.C. Lamar House NHL and Sun Watch NHL. Also included is Senate proposed language prohibiting the use of funds for planning, design or construction of an underground security screening or visitor contact facility at the Washington Monument.

The managers have included language contained in the House bill, conditioning release of Modified Water Deliveries money to annual reports from the Secretary of the Interior, the Administrator of EPA and the Attorney General, which guarantees that the State of Florida is meeting water quality standards.

Funds for the Oklahoma City Memorial are provided in the National Recreation and Preservation account. Within available funds, the Service is directed to conduct a heritage area study for Muscle Shoals and a watershed study for San Gabriel. The House report contained language directing a study on the SW Campaign. The managers have been made aware that this study has not been authorized therefore this study is not included in the conference agreement.

The managers are aware that the U.S. Army will be relocating some of its fire and emergency services personnel currently located in Hawaii. This relocation will severely undercut the availability of vital services at Hawaii Volcanoes National Park. The managers understand, and greatly appreciate, that the County of Hawaii is willing to provide these services and direct the Service to provide the county with $250,000 in transition funding.

The managers strongly urge the Service to accelerate the General Management Plan for Cedar Creek and Belle Grove NHP.

LAND ACQUISITION AND STATE ASSISTANCE

(INCLUDING TRANSFERS OF FUNDS)

The conference agreement provides $142,350,000 for land acquisition and State assistance instead of $131,154,000 as proposed by the House and $158,473,000 as proposed by the Senate. Funds should be distributed as follows:

Area (State)	*Amount*
Big Thicket National Preserve (TX)	$3,500,000
Civil War Battlefield Sites (Grants)	2,000,000
Ft. Clatsop NM (OR)	1,250,000
Great Sand Dunes NP (CO)	2,000,000
Gulf Islands NS (Cat Island) (MS)	4,000,000
Gulf Islands NS (Horn Island) (MS)	1,100,000
Hawaii Volcanoes NP (HI)	4,000,000
Ice Age NST (WI)	2,000,000
New Jersey Pinelands Preserve (NJ)	750,000
Obed Wild and Scenic River (TN)	750,000
Shenandoah Valley Battlefields NHD (VA)	1,000,000
Sleeping Bear Dunes NL (MI)	1,000,000
Timucuan Ecological and Historic Preserve (FL)	500,000
Tumacacori NHP (AZ)	1,500,000
Valley Forge NHP (PA)	5,000,000
Wrangell-St. Elias NP (AK)	2,500,000
Subtotal	32,850,000
Acquisition Management	10,500,000
Emergencies/Hardships	2,000,000
Inholdings/Exchanges	2,000,000
Stateside Grants	92,500,000
Stateside Administration	2,500,000
Total	142,350,000

The conference agreement includes bill language under the Park Service land acquisition account dealing with unobligated balances for South Florida Restoration as proposed by the House.

The managers recommend $2,000,000 for matching grants pursuant to the Civil War Battlefield Protection Act of 2002. The managers are aware that many of the lands identified by the Civil War Sites Advisory Commission as high priorities for protection are located within or adjacent to national park boundaries. This has led to questions about the relationship between the battlefield grant program and the national park system. In no case should battlefield grants be used for the acquisition of lands within the existing boundaries of a park unit. The process for the acquisition of lands within park boundaries is well established, and should not be complicated by the introduction of a separate Federal program. With regard to lands adjacent to park boundaries, the managers are concerned that the acquisition of such lands using battlefield grant funds could ultimately increase pressures to include those lands in the national park system. The Service should make clear to all recipients of battlefield grants that the award of funds for acquisition of lands adjacent to park units should in no way be construed as

an indication of Service or Congressional support for the ultimate inclusion of such lands in the park system. The process for the expansion of park boundaries is well established, and involves consideration of many factors that are beyond the scope of the battlefield grants program. These considerations include the cost to the Service of maintaining and interpreting lands to be acquired, consistency of proposed expansions with a park's general management plan, and the priority of a given park expansion relative to other needs in the park system. While the managers do not propose a prohibition on the use of battlefield grants to acquire lands adjacent to park boundaries, grant recipients and park managers should be aware of these concerns. The managers will reevaluate program guidelines in the event battlefield grants lead to a flood of proposed park boundary expansions.

The managers agree to the following revisions to the reprogramming guidelines for the National Park Service only. Lands shall not be acquired for more than the approved appraised value (as addressed in section 301(3) of Public Law 91–646) except for condemnations, declarations of taking, and tracts with an appraised value of $500,000 or less, unless such acquisitions are submitted to the House and Senate Committees on Appropriations for approval in compliance with established procedures.

The managers are aware that the Service recently released a Finding of No Significant Impact (FONSI) for the acquisition of lands near Theodore Roosevelt's historic Elkhorn Ranch in North Dakota. While the finding did recommend acquisition of lands within the viewshed of the existing Elkhorn Unit and associated river lands, it did not offer specific information on the number of acres that should be acquired or the cost of such an acquisition. The managers therefore direct the Service to submit a report to the House and Senate Appropriations Committees by January 1, 2004, outlining the number of acres the Service recommends be acquired and the anticipated cost of the acquisition.

The managers note that the funding for Valley Forge NHP completes the project.

ADMINISTRATIVE PROVISIONS

The managers have retained the Senate language regarding the National Park Passport program and authority for a grant to construct a memorial to Kris Eggle.

UNITED STATES GEOLOGICAL SURVEY

SURVEYS, INVESTIGATIONS, AND RESEARCH

The conference agreement provides $949,686,000 for surveys, investigations, and research instead of $935,660,000 as proposed by the House and $928,864,000 as proposed by the Senate.

Changes to the House for national mapping programs include an increase of $2,795,000 for information technology and decreases of $1,500,000 for geospatial one-stop, and $625,000 for the national map.

The managers are aware of the recent malfunction of scanning equipment onboard the Landsat 7 earth observing satellite and the disappointing failure to correct the problem. This failure has resulted in degraded data collected by the satellite. The managers recognize the significance of Landsat data to many activities, including agricultural monitoring and research, environmental monitoring, and regional planning, to name a few. The managers understand that, although the data has relatively small gaps, the remainder of each image has data of original quality and hence will remain useful for many of the activities they currently support. The managers believe that the Survey should take a proactive approach where Federal agencies are concerned, particularly the Departments of Agriculture and Defense, to try to secure data purchase agreements now in order to have a stable funding source. In addition, the managers expect the Survey to investigate and document the current level of interest from the user community for continued data purchases. The Survey should conduct data sales in the near term and, based on this, estimate potential annual revenues that may be derived from this source. This analysis will provide the basis for subsequent recommendations regarding the types and amounts of funding necessary to continue operation of Landsat 7. The managers also expect the Survey, Federal agencies, and other users needing medium resolution data to work together to determine how the degraded Landsat data can best meet their needs prior to seeking data from alternative sources. To the degree that Landsat data does meet the needs of Federal agencies, the managers encourage them to use the Survey as the provider of this data.

The managers are supportive of the Survey's efforts to manage more efficiently the growing volume of collected, archived, and distributed data at the EROS Data Center. Accordingly, the managers support efforts by the Survey to convert its archived remote sensing data to a modern disk based storage system. The managers believe that such a conversion will accommodate the growing volume of data, and provide access to users more efficiently and at lower costs. Finally, the managers support implementation of a continuity of operations capability utilizing ''remote mirroring'' technology.

Changes to the House for geology programs include increases of $1,500,000 to support the Western Aleutians volcano monitoring effort, $200,000 for Mauna Loa volcano monitoring in Hawaii, $244,000 for the National Cooperative Geological Mapping program, $1,500,000 for the minerals at risk program in Alaska which completes this project, $500,000 for the expansion of the ANSS program, $500,000 for the coastal erosion program in North Carolina, $750,000 for the minerals information program, $500,000 for a mineral inventory in Clark County Nevada, $300,000 for a well log inventory in Kansas, $900,000 for the Tongue River coalbed methane study, and decreases of $475,000 for science on DOI lands, $600,000 for national energy policy assessments, $500,000 for the geothermal program, and $500,000 for the Central Great Lakes Geologic Mapping Coalition.

Within the funding increase provided for the expansion of the Advanced National Seismic System, the managers have earmarked $250,000 for seismic monitoring and hazard assessment in the Jackson Hole/ Yellowstone area.

Changes to the House for water resources include increases of $1,500,000 for cooperative research on the Roubidoux Aquifer at the University of Oklahoma, $200,000 for the Berkeley Pit study in Montana, $50,000 for mercury contamination in South Carolina rivers, $500,000 for the Potomac River Basin ground water research, $299,000 for the Lake Champlain toxics study, $450,000 for Hawaiian water monitoring, $250,000 for Delaware River flow modeling, and $350,000 for Hood Canal fish mortality research and decreases of $375,000 for science on DOI lands, $500,000 for the U.S./Mexico border initiative, and $250,000 for the Chesapeake Bay program.

Changes to the House for biological research include increases of $750,000 for the Mark Twain National Forest mining study that will be completed and a final report issued in 2005, $800,000 for molecular biology at the Leetown Science Center, $500,000 for the Pallid Sturgeon study, $200,000 for the Diamondback Terrapin study, $1,000,000 for the Northern Continental Divide Ecosystem Genetic Survey in Montana, $300,000 for a multidisciplinary study into the quality and quantity of the water at the Leetown Science Center, $500,000 for a Lake Tahoe decision support system, $500,000 for the NBII Mid Atlantic node, and $500,000 for the cooperative research units and decreases of $1,025,000 for invasive species, $625,000 for chronic wasting disease research, and $650,000 for science on DOI lands.

The managers are aware and supportive of efforts by the Great Lakes Science Center to rehabilitate Lake Sturgeon in the Detroit River. The managers encourage the Survey to work with existing partnerships on Lake Sturgeon research in Lake Michigan, the Milwaukee River, and the Manitowoc River.

Within the funds provided for invasive species, the managers have earmarked $1,000,000 for the GeoResources Institute of Mississippi State University. The managers understand that the University will work with the Survey through the National Institute of Invasive Species Science in developing remote sensing techniques and monitoring strategies for early detection of SE invasives, control techniques for invasive aquatic plants, and assessment of new invaders.

Changes to the House for science support include an increase of $600,000 for accessible data transfer and a decrease of $500,000 for enterprise GIS.

The change to the House for facilities is an increase of $200,000 for unanticipated construction costs at the Leetown Science Center.

The managers are aware that the request for the Survey's facilities budget activity may not contain sufficient funding for rent and operations and maintenance for some of the Survey's science centers. The managers understand that this is due, in part, to insufficient funds being transferred when this budget activity line was created in fiscal year 2000. The managers remain concerned about this situation and direct the Survey to develop a funding strategy by March 15, 2004, to resolve this issue and avoid jeopardizing ongoing science programs.

The managers have restored $3,013,000 in streamlining reductions proposed in the Administration's budget request. The survey is directed to spread these funds to the program areas based on a pro rata distribution.

ADMINISTRATIVE PROVISIONS

The managers have agreed to bill language proposed by the House continuing a provision included in the fiscal year 2003 Interior and Related Agencies Appropriations Act to make it easier for the Survey to co-locate its facilities.

MINERALS MANAGEMENT SERVICE

ROYALTY AND OFFSHORE MINERALS MANAGEMENT

The conference agreement provides $165,316,000 for royalty and offshore minerals management instead of $164,216,000 as proposed by the House and $166,016,000 as proposed by the Senate.

Changes to the House for royalty and offshore minerals management include increases of $800,000 for the Center for Marine Resources, MS and $800,000 for the Marine Mineral Technology Center, AK and a decrease of $500,000 for the regulatory program.

The managers have provided $900,000 to the Offshore Technology Research Center, TX instead of $1,400,000 as proposed by the Senate to perform critical mission research for MMS through the cooperative agreement dated June 18, 1999.

Within the funds provided for royalty and offshore minerals management $150,000 is earmarked for the Alaska Whaling Commission.

OIL SPILL RESEARCH

The conference agreement provides $7,105,000 for oil spill research as proposed by both the House and the Senate.

OFFICE OF SURFACE MINING RECLAMATION AND ENFORCEMENT

REGULATION AND TECHNOLOGY

The conference agreement provides $106,699,000 for regulation and technology as proposed by the House and the Senate. This total includes an indefinite appropriation estimated to be $275,000.

ABANDONED MINE RECLAMATION FUND

The conference agreement provides $192,969,000 for the abandoned mine reclamation fund instead of $194,469,000 as proposed by the House and $190,893,000 as proposed by the Senate. Funding for the activities should follow the House recommendation except there is a reduction of $1,500,000 from State grants for environmental restoration. The managers note that this funding will provide all States with at least as much funding as in fiscal year 2003, with an increase of $2,076,000 to be spread by the normal formula. The conference agreement does not include the House bill language on the emergency program but the Senate proposed bill language concerning grants in Maryland is included.

BUREAU OF INDIAN AFFAIRS

OPERATION OF INDIAN PROGRAMS

The conference agreement provides $1,916,317,000 for the operation of Indian programs instead of $1,902,106,000 as proposed by the House and $1,912,178,000 as proposed by the Senate.

Changes to the House for tribal priority allocations include increases of $1,000,000 for welfare assistance, and $1,000,000 for tribal courts and a decrease of $560,000 for new tribes.

Changes to the House for other recurring programs include increases of $10,000,000 for tribally controlled community colleges, $7,000 for Western Washington Boldt, $261,000 for Great Lakes resource management, $66,000 for fish hatchery maintenance, $100,000 for the Alaska Sea Otter Commission, $800,000 for the Bering Sea Fisherman's Association, $600,000 for the intertribal bison program, $350,000 for the Chugach Regional Resources Commission, and $320,000 for the upper Columbia River tribes.

The managers direct that the $10,000,000 increase for the tribally controlled community college operating grants be allocated to the Title II institution at a level commensurate with the fiscal year 2003 grant, taking into account concerns expressed by the Congress with respect to the Bureau's proposed allocation of the 2003 increases.

The managers have revised Senate report language regarding reimbursable support agreements to read the Assiniboine Sioux rural water system.

Changes to the House for non-recurring programs include increases of $750,000 for the distance-learning program in Montana, $750,000 for the Rural Alaska fire program, $392,000 for Alaska legal services, and $1,000,000 for the Salish and Kootenai College nursing program (housing project) and a decrease of $150,000 for the Seminole Tribe Everglades restoration program.

Changes to the House for central office operations include decreases of $250,000 for the branch of acknowledgment and $5,000,000 for information technology.

Changes to the House for special programs and pooled overhead include increases of $200,000 for special higher education scholarships, $450,000 for the United Sioux Tribes Development Corporation, $750,000 for the Alaska native aviation training program, $1,250,000 for the western heritage center, and $125,000 for the Crownpoint Institute of Technology.

The managers are concerned about the growing number of tribes, both landless and with an existing reservation, that are attempting to claim reservation rights that would allow them to engage in gaming operations in States where they have no reservation or trust land status. For example, the Seneca-Cayuga tribe of Oklahoma is attempting to open a gaming operation in the State of New York. The Jena Band of Choctaw in Louisiana is attempting to take land into trust for gaming purposes in an area of Louisiana that is outside their traditional service area. Trust status for gaming purposes on non-contiguous lands requires that a tribe engage in a rigorous approval process requiring approval by the Governor of an affected State as well as input and support from the local community. The managers expect the Department of the Interior and the National Indian Gaming Commission to implement fully the existing rules and regulations governing these types of gaming operations.

The managers are aware of the delays experienced by the Mashpee Wampanoag Indians in the recognition process and urge the Bureau to complete its review of the Mashpee petition as expeditiously as possible.

CONSTRUCTION

The conference agreement provides $351,154,000 for construction as proposed by the Senate instead of $345,154,000 as proposed by the House.

The managers have provided a $6,000,000 increase above the House for the Redwater Elementary School in Mississippi as part of the tribal school construction demonstration program.

The managers have agreed to amend the tribal school construction demonstration program to allow schools not funded by the Bureau of Indian Affairs to participate in this demonstration program. In addition, funds have been earmarked for the Redwater Elementary School in Mississippi and the Saginaw-Chippewa Tribal School in Michigan. The funding for the Saginaw-Chippewa Tribal School is from carryover funds that were appropriated in fiscal year 2003.

The managers are concerned by the pace of completion of replacement schools. The replacement school priority list is not being updated in a timely fashion, resulting in delays in advance planning and design. The managers direct that the Secretary submit a new priority list by February 15, 2004, containing a sufficient number of schools to continue the replacement school program through fiscal year 2007. The priority list should address the most critical needs based on the Bureau's facility management information system.

Within carryover and slippage, the Bureau may use up to $1,000,000 for the Chiloquin Dam removal study.

INDIAN LAND AND WATER CLAIM SETTLEMENTS AND MISCELLANEOUS PAYMENTS TO INDIANS

(INCLUDING TRANSFER OF FUNDS)

The conference agreement provides $55,583,000 for Indian land and water claim settlements and miscellaneous payments to Indians as proposed by the House instead of $50,583,000 as proposed by the Senate. This total excludes $4,968,000 derived by transfer as explained below.

The managers have agreed to $9,968,000 for the Quinault Indian Nation settlement of which $4,968,000 is derived by transfer from prior year appropriations from the U.S. Fish and Wildlife Service land acquisition account.

INDIAN GUARANTEED LOAN PROGRAM ACCOUNT

The conference agreement provides $6,497,000 for the Indian guaranteed loan program as proposed by both the House and the Senate.

DEPARTMENTAL OFFICES

INSULAR AFFAIRS

ASSISTANCE TO TERRITORIES

The conference agreement provides $76,343,000 for assistance to territories instead of $74,343,000 as proposed by the House and $71,343,000 as proposed by the Senate. The managers have agreed to the House distribution of funding with an increase of $2,000,000 for technical assistance activities. Funds provided for the CNMI water system repair should be focused on Saipan where the problem is most acute. The managers expect that the increase for the technical assistance program will be used for priority needs of the territories and the freely associated States, in consultation with the House and Senate Committees on Appropriations. These funds should be used to facilitate the operation of the newly revised Compact of Free Association, to address the situation of the Prior Services Trust Fund, and to address other high priorities. The managers note that Compact impact assistance funding of $15,000,000 will be available from the Compact of Free Association mandatory account, a substantial increase from fiscal year 2003. The House proposed bill language is included which encourages a grant for the Pacific Basin Development Council.

COMPACT OF FREE ASSOCIATION

The conference agreement provides $6,434,000 for the Compact of Free Association instead of $16,354,000 as proposed by the House and $16,434,000 as proposed by the Senate. The managers note that $10,000,000 has been transferred to mandatory activities according to the new financial arrangements of the Compact of Free Association. The managers have agreed to the Senate proposal to provide $1,700,000 for Enewetak support instead of the $1,620,000 proposed by the House. The remaining balance provides $2,734,000 for Federal postal services for the Freely Associated States and the cost of conducting audits for Palau and $2,000,000 for program grant assistance in the fields of education and health care for Palau.

The conference agreement also includes bill language to guarantee that mandatory payments are continued for financial assistance to the Federated States of Micronesia and the Republic of the Marshall Islands in accordance with the terms and conditions of the 2003 negotiated agreements until such time as Congress completes its actions to approve the amended Compacts of Free Association.

The managers are aware that in accordance with Section 118(d) of P.L. 104–134, on September 19, 1996, the United States Department of the Interior entered into an agreement providing ex gratia assistance to the Rongelap Atoll Local Government to support radiological rehabilitation and resettlement of Rongelap Island. Section 2(c) of the agreement recognizes that a final payment of $5,300,000 to the Rongelap Resettlement Trust Fund will complete funding for resettlement of Rongelap as authorized by Congress and agreed to by the Department of the Interior pursuant to Section 118(d) of P.L. 104–134. The managers understand that these funds have been recommended by the Senate Committee on Energy and Natural Resources for inclusion in the Compact of Free Association Amendments Act of 2003.

DEPARTMENTAL MANAGEMENT

SALARIES AND EXPENSES

The conference agreement provides $78,933,000 for departmental management instead of $76,027,000 as proposed by the House and $78,433,000 as proposed by the Senate.

Changes to the House include increases of $3,000,000 to restore funds cut on the House floor and $6,000 for worker compensation, and a decrease of $100,000 for the public lands volunteers program. This total is offset partially by the cancellation of $1,400,000 in unobligated balances in the special foreign currency account as proposed by the Senate.

The conference agreement retains bill language contained in the Senate bill concerning the Buy American Act.

The conference agreement retains bill language contained in the House bill restricting the number of reserve accounts in the Working Capital Fund.

The managers agree that benefiting parties should pay for operation of the airport at Midway Atoll National Wildlife Refuge if it remains open and note that the airport is not critical for U.S. Fish and Wildlife Service refuge operations and maintenance.

The managers expect the Office of Aircraft Safety to move forward with the replacement of the Fish and Wildlife Service survey aircraft using funds from the replacement reserves and, at a minimum, to match the funding included in the FWS construction account. The Fish and Wildlife Service should work with OAS to repay the reserves over time to minimize the impacts to other programs.

The managers expect OAS to develop a plan for all bureaus that considers options for recovering the full cost of replacing aircraft, with inflationary increases, for all new aircraft as they enter the fleet. This plan can consider options that allow the Department to raise fees over time to reduce the impacts to ongoing programs. The managers remain concerned that the process for funding aircraft replacement is being subsidized by programmatic funding.

The managers reluctantly approve the consolidation of realty appraisal functions within the Department. The managers are particularly concerned about the effect of the consolidation on the small easement acquisition program within the Fish and Wildlife Service. The Department should take special consideration to ensure the ongoing success of the small easement program. The managers direct the Department to report to the Committees on Appropriations on consolidation implementation within six months of enactment of this Act. The report should demonstrate that the consolidation has not harmed agencies' realty programs, and it should also note cost savings and efficiencies gained by the consolidation of appraisal functions. The managers will revisit this issue in fiscal year 2005 should the report prove unsatisfactory. Given that the reasons for this proposal were partly to provide consistency between agencies and realize cost savings to the government, the managers strongly urge the Department not to charge any surcharges or assessments for services provided by the National Business Center to this office.

The managers are aware of the Department's initiatives to make the resources of electronic-based geographic information systems widely available to federal, state, and local governments, and the public through the Geospatial One-Stop Initiative (GOS). An important component of this effort is the GOS Web Port Version 2.0. The managers believe that the entire system must be built upon widely accepted industry standards for interoperability in order to ensure that the GOS program can efficiently and broadly access the maximum available governmental and private sector geospatial data, exclusive of National security information. The managers expect the Department to move the GOS initiative in a direction that is consistent with such widely accepted interoperability standards. To that end, the managers direct the Department to submit to the House and Senate Committees on Appropriations a brief report detailing the actions that have been taken thus far with respect to the electronic-based geographic information systems, the GOS initiative and related initiatives. This report should include the Department's plans for follow-on procurement and any interoperability requirements for existing and future GOS initiatives and when it expects to begin a competitive procurement. This report should be submitted no later than January 30, 2004.

WORKING CAPITAL FUND

The conference agreement cancels $20,000,000 in unobligated balances in the working capital fund as proposed by the House instead of $11,700,000 as proposed by the Senate. The conference agreement also permits the use of $11,700,000 for the financial and business management system migration project as proposed by the Senate instead of no funding as proposed by the House.

The managers caution the Department on the implementation of the financial management system migration project. The Department's previous record with new database systems suggests that the Department should proceed cautiously and provide the Committees on Appropriations with regular updates on its progress, including any revisions to timelines and funding requirements of the new system.

The managers have included language that requires the Department to justify Working Capital Fund charges to bureaus and offices in annual budget justifications; request approval of the Appropriations Committees for any departures from the budget justification; and require the Secretary to provide a semi-annual report to the House and Senate Committees on Appropriations on reimbursable agreements between the Office of the Secretary, the National Business Center, and the bureaus and offices of the Department.

PAYMENTS IN LIEU OF TAXES

The conference agreement provides $227,500,000 for payments in lieu of taxes instead of $225,000,000 as proposed by the House and $230,000,000 as proposed by the Senate.

OFFICE OF THE SOLICITOR

SALARIES AND EXPENSES

The conference agreement provides $50,374,000 for salaries and expenses of the office of the solicitor as proposed by the House instead of $50,179,000 as proposed by the Senate.

OFFICE OF INSPECTOR GENERAL

SALARIES AND EXPENSES

The conference agreement provides $38,749,000 for salaries and expenses of the office of inspector general, instead of $39,049,000 as proposed by the House and $37,474,000 as proposed by the Senate. Changes to the House include increases of $190,000 for policy and management fixed costs, and decreases of $90,000 for audits fixed costs, $100,000 for investigations fixed costs, and $300,000 for program integrity reviews.

OFFICE OF SPECIAL TRUSTEE FOR AMERICAN INDIANS

FEDERAL TRUST PROGRAMS

The conference agreement provides $189,641,000 for Federal trust programs instead of $219,641,000 as proposed by both the House and the Senate.

Changes to the House include a shift of $981,000 from program operation, support, and improvements into executive direction and a reduction of $30,000,000 for the historical accounting project.

The Department of the Interior's July 2, 2002, report to Congress detailed the cost involved if the government were required to undertake a transaction-by-transaction historical accounting of the Individual Indian Money accounts without regard to when the funds were deposited. The Department indicated that such an accounting would cost at least $2.4 billion over 10 years. Both prior to and subsequent to submission of that report, Congress has stated in no uncertain terms that it would not appropriate billions of dollars for a historical accounting of such magnitude. Partly in response to Congressional concerns, the Department submitted to the Court a $335 million accounting plan that included both a transaction-by-transaction accounting as well as the use of sound, well-proven statistical methods. The Department argues that such an accounting is consistent with its duties under law.

In its September 25, 2003, ruling in the Cobell v. Norton class action lawsuit, the Court dismissed Congressional concerns about the scope of the accounting and ordered a greatly expanded effort that surpasses even the accounting described in the July 2, 2002, report to Congress. Initial estimates indicate that the accounting ordered by the Court would cost between $6 billion and $12 billion over this Court-mandated time frame.

There is only one source of money available to the Subcommittee on Interior and Related Agencies, and an accounting of this magnitude would require that vast amounts of funds be diverted away from other high-priority programs, including Indian programs. That would be devastating to Indian country and to the other programs in the Interior bill. The managers note that, over the past three years, funding increases for the Bureau of Indian Affairs were primarily for trust reform related activities. The Office of Special Trustee for American Indians also tended to receive a disproportionate share of the funding increases available to the Department.

The managers continue to believe that fixing trust systems prospectively is a high priority, thereby allowing the Secretary to meet her trust and fiduciary responsibility to Indian country. But Indian country would be better served by a settlement of this litigation than the expenditure of billions of dollars on an accounting. Those billions would not provide a single dollar to the plaintiffs, and would without question displace funds available for education, health care and other services.

There will be further court proceedings in the Cobell case based on the government's likely appeal of the September 25, 2003, court ruling. The managers believe that it would be unwise to expend hundreds of millions of dollars on further accounting while this case is under appeal. Furthermore, the managers reject the notion that in passing the American Indian Trust Management Reform Act of 1994 Congress had any intention of ordering an accounting on the scale of that which has now been ordered by the Court. Such an expansive and expensive undertaking would certainly have been judged to be a poor use of Federal and trust resources.

The managers therefore feel that it is time for Congress to act to delineate the exact scope of the historical accounting called for in the 1994 Act, or to develop alternative methods of resolving the current dispute. To provide time for thoughtful action on this question, language has been included in the bill affirmatively declaring that nothing in the 1994 Act or common law shall be construed to require the type of accounting described in the September 25th ruling. It is not the intent of the managers to forestall indefinitely either the Cobell litigation or any efforts to conduct an historical accounting. But in light of the expansive accounting and constrained timelines contemplated in

the Court's order, it is clear that time is needed for Congress to consider the issues and tradeoffs at stake. The managers have therefore limited the funds available to the Department for historical accounting to those activities that need to be accomplished and can be accomplished in the short-term. Beyond that, the managers will not provide any funding until the scope of an historical accounting is resolved by the courts or by the legislative committees of jurisdiction.

During floor debate over the Interior bill, the chairman of the authorizing committee in the House made a commitment to develop a comprehensive legislative solution to what has become an intractable problem. The authorizing committee in the Senate has held numerous hearings, and has also expressed interest in addressing the problem. The managers believe that a legislative solution may be the only way to resolve these trust reform issues.

INDIAN LAND CONSOLIDATION

The conference agreement provides $21,980,000 for Indian land consolidation programs instead of $20,980,000 as proposed by the House and $22,980,000 as proposed by the Senate. The increase above the House is to support the land consolidation efforts of the Quapaw Nation.

NATURAL RESOURCE DAMAGE ASSESSMENT AND RESTORATION

NATURAL RESOURCE DAMAGE ASSESSMENT FUND

The conference agreement provides $5,633,000 for the natural resource damage assessment fund as proposed by both the House and the Senate.

ADMINISTRATIVE PROVISIONS

The conference agreement includes the Senate proposed language regarding administrative provisions for Departmental Offices. The agreement also requires a semi-annual report on reimbursable support agreements between the Office of the Secretary and the National Business Center and the bureaus and offices of the Department.

GENERAL PROVISIONS, DEPARTMENT OF THE INTERIOR

The conference agreement includes sections 103–107, and 111, which were identical in both the House and Senate bills.

The conference agreement includes the text of the following sections in the House bill, which contained identical text in the Senate bill, but had different section numbers in the Senate bill. The House section numbers were 109, 110, 112, 115, 116, 117, 119, 121, 123, 125, 129, 130, and 132.

The conference agreement retains Senate sections 101 and 102, which continue provisions providing authority to expend or transfer program funds for expenditures in cases of emergencies. The House had similar provisions.

The conference agreement does not include House section 108 prohibiting the expenditure of funds for Outer Continental Shelf leasing activities in the North Aleutian planning area. This area is not included in the current five-year oil and gas-leasing plan.

Section 112—The conference agreement modifies House section 113 permitting the transfer of funds between the Bureau of Indian Affairs and the Office of the Special Trustee for American Indians to exclude the transfer of funds for historical accounting activities. The Senate had a similar provision.

The conference agreement does not include House section 114 dealing with the renewal of grazing permits under the Federal Lands Policy and Management Act of 1976. This issue is addressed in Title III—General Provisions.

Section 116—The conference agreement includes House section 118 that continues a provision limiting the use of Huron Cemetery in Kansas City to religious and cultural purposes. The Senate had a similar provision.

Section 118—The conference agreement modifies House section 120 making permanent a provision authorizing a cooperative agreement with the Golden Gate National Parks Association. The Senate contained a similar provision.

Section 120—The conference agreement retains Senate section 120 which continues a provision permitting the sale of improvements and equipment at the White River Oil Shale mine in Utah. The House had a similar provision.

Section 122—The conference agreement retains Senate section 122 which provides for the purchase of land and the protection of paleontological resources pursuant to the Virgin River Dinosaur Footprint Preserve Act.

Section 123—The conference agreement modifies House section 124 authorizing federal funds for Shenandoah Valley Battlefield NHD, Ice Age NST, and New Jersey Pinelands Preserve to be transferred to a State, local government, or other governmental land management entity for acquisition of lands. The Senate had a similar provision.

Section 125—The conference agreement retains House section 126 continuing a provision preventing the demolition of a bridge between New Jersey and Ellis Island.

Section 126—The conference agreement retains House section 127 continuing a provision prohibiting the posting of signs at Canaveral National Seashore as clothing optional areas if it is inconsistent with county ordinance.

Section 127—The conference agreement retains language in House section 128 continuing a provision limiting compensation for the Special Master and Court Monitor appointed in the Cobell v. Norton litigation.

Section 130—The conference agreement includes language proposed in House section 131 continuing a provision allowing the transfer of Departmental Management funds for operational needs at the airport at Midway Atoll National Wildlife Refuge.

Section 131—The conference agreement modifies language in Senate section 127 clarifying the effect of section 134 of the Department of the Interior and Related Agencies Appropriations Act of 2002, regarding certain lands in Kansas.

Section 133—The conference agreement retains language in Senate section 129 allowing the National Indian Gaming Commission to collect $12,000,000 in fees for fiscal year 2005.

The conference agreement does not include Senate section 130 prohibiting the use of funds for Cooperative Ecosystem Study Units in Alaska.

Section 134—The conference agreement modifies Senate section 131 which deems the State of Utah's contribution requirement complete for the purposes of Public Law 105–363.

Section 135—The conference agreement retains Senate section 132 designating Congaree National Monument as Congaree National Park.

Section 136—The conference agreement modifies language in House section 133 allowing schools that are not funded by the Bureau of Indian Affairs to participate in the tribal school demonstration program with certain limitations.

Section 137—The conference agreement retains Senate section 133 requiring the Secretary of the Interior to submit distribution plans for Indian Settlement Judgment Funds.

Section 138—The conference agreement replaces House section 134 to include the text of H.R. 1409, the ''Eastern Band of Cherokee Indian Land Exchange Act of 2003''.

Section 139—The conference agreement modifies Senate section 134 establishing a demonstration project with respect to compacting and management of Tribal trust resources.

The conference agreement does not include House section 135 providing for a land exchange at the Mojave National Preserve.

The conference agreement does not include Senate section 135 requiring the Department of the Interior to report on competitive sourcing activities. This issue is addressed in Title III—General Provisions.

Section 140—The conference agreement retains House section 136 establishing the Blue Ridge National Heritage Area.

Section 141—The conference agreement retains Senate section 136 authorizing payment of $11,750 to the Harriet Tubman Home in Auburn, New York.

The conference agreement does not include House section 137 limiting the use of funds to support the Klamath Fishery Management Council.

Section 142—The conference agreement retains Senate section 137 dealing with the issuance of grazing permits authorized by the Bureau of Land Management for the Jarbidge field office.

Section 143—The conference agreement retains Senate section 138 amending section 2303(b) of Public Law 106–246 dealing with interim compensation payments to fishermen in Glacier Bay NP, Alaska.

Section 144—The conference agreement modifies Senate section 139 retroactively restoring a mining claim voided because of a defective waiver of the $100 hard rock mining maintenance fee.

Section 145—The conference agreement retains Senate section 140 prohibiting the use of funds for certain special events on the National Mall.

The conference agreement does not include House section 336 limiting the use of funds for implementing competitive sourcing studies at Archeological Centers in Nebraska and Florida. The Department has completed competitive sourcing at the Southeastern Archeological Center in Tallahassee, Florida and the Federal employees won the competition. Based on lessons learned in the study of this archeological center, the Department has concluded that no further study of the Midwestern Center is necessary.

Section 146—The conference agreement provides for a $5,000,000 grant to Kendall County, IL.

Section 147—The conference agreement modifies Senate section 341 amending a previous act conveying land in Clark County to the City of Las Vegas, NV.

Section 148—The conference agreement retains Senate section 343 revising the boundary of Congaree Swamp NM, SC.

Section 149—The conference agreement retains Senate section 344 amending the Marine Mammal Protection Act amendments of 1994 to permit the importation of polar bears harvested prior to the enactment of final regulations.

Section 150—The conference agreement includes language directing the National Park Service to promulgate rules regarding hunting at New River Gorge National River and to do so in compliance with the Administrative Procedures Act and the National Environmental Policy Act.

TITLE II—RELATED AGENCIES

DEPARTMENT OF AGRICULTURE

FOREST SERVICE

FOREST AND RANGELAND RESEARCH

The conference agreement provides $269,710,000 for forest and rangeland research instead of $267,230,000 as proposed by the House and $266,180,000 as proposed by the

Senate. The managers agree to the following changes to the House recommendations as proposed by the Senate:

1. There is a general reduction of $3,384,000.

2. The forest inventory and analysis program (FIA) is increased by $2,911,000. The managers note that with the additional $5,000,000 provided for the forest resource information and analysis activity within the State and Private Forestry appropriation below, the FIA program is provided a total of $57,359,000, the same total as proposed by the Senate.

3. The allocation of $500,000 for global climate change work in the Northeast is not provided.

4. The administrative cost adjustment for the Pacific NW station is not provided.

5. Baltimore urban watershed research is allocated $200,000.

6. The Northeast States research cooperative is provided $2,000,000.

7. The hardwood tree improvement program, IN, is allocated $921,000.

8. The Sitka, AK lab is allocated $1,130,000.

The managers agree to the following additional changes to the House recommendations:

1. Funding for the advanced housing research consortium is reduced by $300,000 for a total of $1,200,000.

2. Research on adelgids and insects in the east is provided $1,500,000 as proposed by the House, but the $500,000 described by the Senate for pest and pathogen research in Morgantown, WV, should come from this allocation.

3. The invasive species initiative is reduced $650,000 from the House recommendation.

4. The conference agreement includes $250,000 for the Joe Skeen Institute for Range Research in New Mexico and $250,000 for the Joe Skeen Institute at Montana State University.

5. The Forest Products Lab, WI, research on salvage lumber is allocated $450,000.

6. A total of $230,000, transferred from the State and Private Forestry account where it was proposed by the Senate, is provided for the Fernow Experimental Forest, WV, flood modeling and associated research.

7. Bill language is included which specifies that $52,359,000 is available for the FIA program.

STATE AND PRIVATE FORESTRY

The conference agreement provides $308,140,000 for State and Private Forestry instead of $290,758,000 as proposed by the House and $295,349,000 as proposed by the Senate. Funding for this appropriation should follow the House recommendations unless otherwise instructed herein.

Forest Health Management.—The conference agreement provides $54,500,000 for Federal lands forest health management, instead of $56,000,000 as proposed by the House and $48,642,000 as proposed by the Senate. This allocation includes a general decrease of $1,500,000 below the House recommendation. The southern pine beetle initiative is provided $3,000,000 as proposed by the House.

The conference agreement includes $45,300,000 for cooperative lands forest health management instead of $47,000,000 as proposed by the House and $31,431,000 as proposed by the Senate. This allocation includes a general decrease of $2,000,000 below the House recommendation. The southern pine beetle initiative is provided $7,000,000 as proposed by the House. The agreement also includes $300,000 for Vermont forest monitoring as proposed by the Senate, but the specific allocation for Lake Arrowhead, CA, hazardous tree removal is now part of the allocation for southern California mountains within the State fire assistance activity. The managers emphasize the urgent forest health situation in southern California and encourage the Forest Service to give this area special consideration. Within the cooperative forest health activity, $250,000 should be provided to the American Chestnut Foundation, southern Appalachian office, to help with recovery efforts for the American chestnut.

The managers have provided no bill language nor funding for the proposed new emerging pest and pathogens fund which was proposed by the Senate, but the managers agree that the Forest Service should withhold forest health funding, up to $2,000,000, from immediate distribution so it is available later in the year to address new problems that may emerge.

Cooperative Fire Assistance.—The conference agreement includes $33,800,000 for State fire assistance instead of $36,000,000 as proposed by the House and $25,486,000 as proposed by the Senate. This allocation includes $5,000,000 as proposed by the House for urgent work in southern California Mountains, including the Lake Arrowhead and Idyllwild areas emphasized by the Senate under a different heading. The managers also agree to the $300,000 proposed by the Senate for Cook Inlet Tribal Council, AK and instructions concerning distribution of these funds in the Senate report should be followed. The agreement includes a general program decrease of $2,500,000 below the House level.

The conference agreement includes $5,100,000 for volunteer fire assistance as proposed by the House instead of $5,043,000 as proposed by the Senate. The conference agreement also includes additional funds for State fire and volunteer fire assistance as part of the national fire plan funding within the wildland fire management account.

Forest Stewardship.—The conference agreement includes $32,282,000 for forest stewardship instead of $32,683,000 as proposed by the House and $32,012,000 as proposed by the Senate. This allocation includes the $500,000 proposed by the House for the New York City watershed, and Senate proposals for: an increase above the House of $250,000 for the Chesapeake Bay forestry program; $300,000 for Utah forestry education; and a general decrease of $951,000.

Forest Legacy Program.—The conference agreement includes $64,934,000 for the forest legacy program instead of $45,575,000 as proposed by the House and $84,716,000 as proposed by the Senate. The conference agreement includes the following distribution of funds for the forest legacy program:

State and project	*Conference*
AL Mobile Tensaw Delta	$3,000,000
WA Raging River Forest Headwaters	1,000,000
NH Pillsbury/Sunapee Highlands	2,530,000
NC Cool Springs	1,500,000
DE Green Horizons	2,000,000
NJ Upper Delaware River Watershed	4,900,000
UT Chalk Creek/South Fork	800,000
WA Yakima River Forest Headwaters Phase II	1,500,000
SC Cooper River Corridor	7,700,000
CA Dofflemeyer Ranch	2,500,000
ME Machias River Project Phase I	2,000,000
NM Lagunas Bonitas	3,000,000
AK Diamond Creek	450,000
MT Dutton Ranch	441,000
CT Peaceful Hill	200,000
MA Belmont Springs	1,400,000
CO Soap Mesa	1,000,000
IN Shawnee Hills	2,000,000
VT Chittenden Uplands	3,150,000
ID St. Joe Basin/Mica Creek Phase I	3,500,000
GA Rocky Creek at Broxton Rocks	1,500,000
UT Cedar Project	1,550,000
MN Lester River	500,000
IA Canyons	290,000
PA River Hills	580,000
VA Dragon Run	2,000,000
RI Great Grass Pond	328,000
VA The Cove	1,000,000
TN Ray Gettelfinger (Rugby)	1,000,000
MD Broad Creek	1,000,000
IL Byron Rock River	1,200,000
CT Nipmuck	350,000
ME Mt. Blue/Tumbledown Phase III	1,500,000
NH Moose Mountain	1,000,000
MA Bush Hill	227,000
TN Jim Creek parcel	838,000
MT Swan River Valley	3,000,000
WI Holy Hill Woods	2,000,000
NY Pochuck Mtn	1,300,000
VT Monadnock Mtn	500,000
KY New State Start-up	500,000
MI New State Start-up	500,000
WV New State Start-up	500,000
MT Schiemann project (complete)	400,000
Project Subtotal	68,134,000
Administration, Acquisition Management & AON Planning	3,800,000
Use of Prior Year Funds	−7,000,000
Total, Forest Legacy	64,934,000

The conference agreement retains bill language proposed by the House requiring notification of the Appropriations Committees when the Forest Service makes funds available for specific forest legacy projects and the conference agreement includes the Senate proposal to derive the forest legacy program funding from the Land and Water Conservation Fund.

Urban and Community Forestry.—The conference agreement includes $35,299,000 for the urban and community forestry program instead of $36,000,000 as proposed by the House and $35,999,000 as proposed by the Senate. Changes from the House proposal for this activity include a decrease of $100,000 for northeast PA community forestry and a total of $200,000 for the Chicago greenstreets program, $200,000 for Cook County forest preserve, IL, and $150,000 for the People and Parks Fund for work on Baltimore, MD urban watershed activities and a $1,151,000 general decrease.

The managers do not concur with the House proposal concerning the implementation of a new methodology for the allocation of urban and community forestry funds prior to the disbursal of funds in fiscal year 2004. The managers believe that before a new allocation methodology is adopted by the agency, additional information is needed so the Committees can fully evaluate the consequences of such a change on the program. Accordingly, the managers direct the agency to present to the House and Senate Committees on Appropriations, by April 1, 2004, a report describing the current allocation methodology and one or more alternative methodologies that focus additional emphasis on program performance. The report must include at least one methodology which considers both State and large urban area populations, and this methodology should propose increasing allocations to States with large urban centers. The report may also include other allocation methodologies which do not increase allocations to more populated States but instead focus on means to enhance program performance. At least one of the proposed methodologies should include competitive funding for nationally or regionally significant projects. The report shall also include an analysis of whether it is still

necessary to require certain specific staffing levels by a State as a condition for obtaining grants through the program. The managers expect that this report shall be done in collaboration with participating State and nongovernmental partners and with public input.

Economic Action Programs.—The conference agreement includes $25,925,000 for the economic action programs instead of $17,400,000 as proposed by the House and $24,020,000 as proposed by the Senate. The managers have provided $1,000,000 for the wood in transportation program with the understanding that this will be the final year of Federal assistance. The conference agreement does not include the specific allocation of $2,000,000 for the Northeast-Midwest in the rural development through forestry program. The conference agreement includes bill language concerning a $500,000 direct payment for the Kake land exchange, AK. The allocation for Cradle of Forestry conservation education, NC, includes $250,000 for the Pisgah Forest Institute and $300,000 for the Cradle of Forestry, USDA. The allocation of $750,000 for the education and research consortium of western North Carolina includes $250,000 for the new educational program at Pisgah Forest Institute, $250,000 for expanding this educational program in northeastern Pennsylvania, and $250,000 for the landscape management system program. The Senate instructions on the disbursal of funds for the Chugach Avalanche Center and Ketchikan Wood Technology Center should be followed.

The conference agreement includes the following distribution of funds for the economic action programs:

Program/Project	*Amount*
Economic recovery base program	$5,000,000
Rural development base program	4,000,000
Forest products, conservation & recycling	1,300,000
Wood in transportation	1,000,000
Subtotal, Programs	11,300,000
Special projects:	
Alabama rural economic action	500,000
Arid Lands Research Consortium	400,000
Cradle of Forestry conservation education, NC	550,000
Gonzaga Univ. Inland NW Natural Resources Center, WA	600,000
KY mine waste reforestation	1,000,000
Lake Tahoe erosion control grants, CA, NV	1,750,000
Education & research consortium of western NC	750,000
Rural forestry technology, Univ. WA and WA St. U.	625,000
Woody biomass applications, SUNY, Syracuse, NY	750,000
Wood Education & Resource Center, WV	2,700,000
Chugach avalanche center, AK	200,000
Ketchikan wood technology Center, AK	750,000
Mountain studies institute, CO	500,000
Environmental Science & public policy research, ID	250,000
Missouri forest foundation biomass project	1,000,000
Fuels-in-schools biomass program, MT	1,250,000
Univ. of Idaho collaborative working forests	350,000
Northern forests partnership program	100,000
Fontana Lake, Swain county econ. development Study, NC	100,000
Kake land exchange, AK	500,000
Subtotal, Special Projects	14,625,000
Total, Economic Action	25,925,000

Forest Resource Information and Analysis.—The conference agreement includes $5,000,000 for forest resource information and analysis instead of $9,000,000 as proposed by the House and no Senate funding. Additional information on the FIA program is under the forest and rangeland research heading.

International Program.—The conference agreement includes $6,000,000 for the International program as proposed by both the House and the Senate.

NATIONAL FOREST SYSTEM

The conference agreement provides $1,382,916,000 for the national forest system instead of $1,394,792,000 as proposed by the House and $1,370,731,000 as proposed by the Senate. Funds should be distributed as follows:

Land management planning	$70,868,000
Inventory and monitoring	171,776,000
Recreation, heritage & wilderness	258,232,000
Wildlife & fish habitat management	137,375,000
Grazing management	46,471,000
Forest products	268,319,000
Vegetation & watershed management	196,106,000
Minerals and geology management	54,065,000
Landownership management	92,692,000
Law enforcement operations	83,862,000
Vales Calderas National Preserve, NM	3,150,000
Total	1,382,916,000

The following discussion describes funding changes from the House passed bill.

1. The land management planning activity includes $400,000 for the environmental training program proposed by the Senate and the Senate proposed general decrease of $3,461,000.

2. The inventory and monitoring activity includes a decrease of $100,000 for Lake Tahoe basin adaptive management and the Senate proposed general decrease of $1,620,000.

3. The recreation activity does not include the $1,900,000 for national trails management proposed by the House; however, these funds have been transferred to the capital improvement and maintenance account. The agreement includes Senate proposals for $250,000 for Coffman Cove, AK, $150,000 for the backcountry hut network plan, AK, and a general decrease of $2,550,000. Additional instructions concerning the backcountry hut project are under the Capital Improvement and Maintenance heading.

4. The wildlife and fish habitat management activity includes the Senate proposed increase of $250,000 for the Batten Kill River, VT, $1,100,000 for north continental divide genetic survey, and a general decrease of $2,300,000.

5. The grazing management activity is $400,000 below the House level, an increase of $471,000 from the Senate level. The increased funding over the enacted level should be used to perform NEPA analysis to address the backlog of expiring grazing permits and to engage in cooperative monitoring activities in conjunction with grazing permittees.

6. The forest products activity includes the Senate proposed earmark in bill language of $5,000,000 for Tongass national forest timber sales preparation and the Senate proposed general decrease of $10,185,000. Total funding for forest products is at the requested level so the Forest Service should be able to meet its timber target. The managers do not agree with respect to the Senate proposal concerning the use of the Scribner timber scaling system.

7. The vegetation and watershed management activity includes the general decrease proposed by the Senate of $6,666,000 and increases of: $2,950,000 for the Lake Tahoe basin; $1,000,000 for Tongass National Forest, AK, pre-commercial thinning; $135,000 for Monongahela National Forest hydrology study, WV; and $300,000 for leafy spurge control.

8. The land ownership management activity has a general reduction of $2,645,000 below the House level, and within funds, $200,000 should be used for the Senate proposed Lolo NF, MT, land exchange.

9. The law enforcement activity has an increase of $100,000 for Daniel Boone NF, KY, drug control, a decrease of $100,000 for Mark Twain NF, MO, counter drug work, and an increase of $250,000 for additional officers on the Ouachita NF, OK.

10. The Valles Caldera National Preserve, NM, is funded at the Senate proposed level and includes the Senate bill language for the preserve and its staff.

11. The $6,000,000 general reduction to this account passed on the House floor is not agreed to by the managers.

12. The agreement includes the House bill language concerning transfer authority for the wild horse and burro program.

13. The managers are aware of activities within the southern region to designate portions of the Roosevelt Roads Naval Station in Puerto Rico as a part of the National Forest System. The managers believe that this would impose substantial additional costs on the Forest Service and the agency should not proceed with this proposal before fully consulting with the House and Senate Committees on Appropriations. Other agencies may be better able to manage this marine estuary.

WILDLAND FIRE MANAGEMENT

The conference agreement provides $1,944,212,000 for wildland fire management instead of $1,624,632,000 as proposed by the House and $1,543,072,000 as proposed by the Senate. This total includes $301,000,000 in emergency funds, as requested by the Administration, to repay costs incurred during wildfire suppression emergencies. This emergency amount replaces the funds recommended in Title IV of the Senate bill.

Wildfire Suppression Operations.—The conference agreement includes $604,580,000 for suppression operations, instead of $520,000,000 as proposed by the House and $514,327,000 as proposed by the Senate. The managers have provided the full amount requested by the administration for wildfire suppression, an increase of $252,616,000 above the fiscal year 2003 funding level. The conference agreement retains the bill language in administrative provisions, which allows funds from other Forest Service accounts to be transferred for suppression during emergencies if appropriated funds in this account are exhausted, but the language has been modified to require the Forest Service to first transfer

some portion of funds not immediately needed for project completion from the land acquisition and forest legacy programs. The wildfire borrowing has caused serious program disruption throughout the Forest Service during the past two years. The managers implore the Administration to work with the Congress to create a more reasoned approach to funding these vital wildfire suppression activities, while implementing new, substantial measures to control costs of large wildfire events.

The conference agreement has modified bill language proposed by the Senate concerning reimbursements to States for non-fire related costs incurred during national emergencies. The new language allows these reimbursements if it is clear that the funds would be derived from Federal emergency agencies, not the Forest Service. The managers agree with the Senate direction concerning the use of a private contract with commercial providers of off-duty or trained personnel with law enforcement backgrounds to provide security services in firefighting camps. The managers expect the Forest Service to develop the mechanisms, plans, and procedures for consistent, efficient, and cost-effective fire camp security and develop a business analysis of the costs and benefits of such a contract compared with the costs and benefits of providing such services using comparable Federal personnel. The managers are pleased with the progress of the first two phases of the Incident Qualification and Certification System project. The managers recognize the importance of this interagency effort in relation to firefighter safety and fire resource management and look forward to its national implementation.

Wildfire Preparedness.—The agreement includes $680,000,000 for preparedness, a reduction of $18,000,000 from the House recommendation and $20,000,000 below the Senate recommendation. The managers note that funds provided in this Act are at a level that approximates the amount used by the agency in fiscal year 2003 to achieve a consistent level of readiness and enable the agency to promptly execute initial attack operations. The managers direct the agency to generate appropriate programming efficiencies that will result in a similar level of on-the-ground resources being available for initial attack operations. The managers expect the agency to maximize efforts to reduce expenses in program management functions to ensure priority is given to maintaining the level of on-the-ground resources that is consistent with levels of the past two years. The managers also direct the agency to evaluate further actions that may be necessary to maintain this level of readiness and to inform the subcommittees of such actions that are planned for implementation.

Other Wildfire Operations.—The conference agreement includes $358,632,000 for other fire operation activities instead of $406,632,000 as proposed by the House and $328,745,000 as proposed by the Senate. The allocation of this funding is as follows:

Program	*Amount*
Hazardous Fuels	$236,392,000
Rehabilitation & restoration	7,000,000
Research & Development	22,300,000
Joint Fire Science	8,000,000
Forest Health Management federal	15,000,000
Forest Health Management cooperative	10,000,000
State and community fire assistance	51,700,000
Volunteer fire assistance	8,240,000
Total other wildfire operations	$358,632,000

The conference agreement includes $236,392,000 for hazardous fuels treatments, a reduction of $10,000,000 below the House level and $5,000,000 above the Senate recommendation. This allocation includes the $5,000,000 proposed by the House for the San Bernardino national forest area, CA, and the Senate proposals of $2,100,000 for the Lake Tahoe basin and $1,500,000 for the Santa Fe watershed, NM. The managers also encourage the Forest Service to coordinate more closely with the Fish and Wildlife Service to ensure that funds provided in the Forest Service budget for ESA consultation are more fully utilized.

The conference agreement includes bill language which specifies $7,000,000 for rehabilitation and restoration activities instead of $40,000,000 as proposed by the House and no funding as proposed by the Senate.

The conference agreement includes $22,300,000 for research and development activities. Changes from the House proposal include an increase of $1,000,000 for the University of Montana landscape analysis center and $200,000 for the related University of Idaho project and a $900,000 general program decrease.

The conference agreement includes $15,000,000 for federal forest health activities and $10,000,000 for cooperative forest health activities as proposed by the House. These funds should be used for high priority work, as part of the national fire plan, to implement activities which should clean up forests and stop forest declines which can increase wildfire danger and result in resource damage and danger to communities.

The managers have included $51,700,000 for State and community fire assistance. Changes from the House recommendation include allocations of $1,700,000 for the Alaska Matanuska-Sustitna Borough, $1,500,000 for the Alaska Kenai peninsula borough, $2,000,000 to the Municipality of Anchorage, and $500,000 for the Alaska, City of Nenana. The Forest Service shall follow Senate instructions concerning disbursal of these funds. There is also a general program decrease of $5,000,000 below the House level.

The conference agreement includes no funding nor bill language for economic action activities associated with the national fire plan as proposed by the Senate instead of $6,000,000 as proposed by the House. Volunteer fire assistance receives $8,240,000 as proposed by the House and the Senate.

Emergency Wildfire Repayment.—The conference agreement includes $301,000,000 for repayment of wildfire suppression funds transferred from other accounts during fiscal year 2003 for wildfire emergencies as requested. This amount replaces the $325,000,000 in Title IV of the Senate passed bill. The managers note that this partial repayment still leaves the Forest Service accounts $141,000,000 short from fiscal year 2003 wildfires as well as the $283,000,000, which the agency had to absorb during fiscal year 2002. The managers have directed the repayments to specific appropriation accounts. The managers direct that in no instance shall projects identified in the agency's fiscal year 2003 budget justification or Congressional projects agreed upon in the fiscal year 2003 conference report be reduced as a result of not fully reimbursing non-fire accounts for fire transfers.

CAPITAL IMPROVEMENT AND MAINTENANCE

The conference agreement provides $562,154,000 for capital improvement and maintenance instead of $560,473,000 as proposed by the House and $532,406,000 as proposed by the Senate. The conference agreement provides for the following distribution of funds:

Activity/Project	*Amount*
Facilities:	
Maintenance	$98,342,000
Capital Improvement	93,993,000
Congressional Priorities:	
Allegheny NF recreation projects, PA	975,000
Bradford RD office completion, PA	190,000
Cherokee NF, Chilhowee rec area I & II, TN	674,000
Cradle Forestry rehab & exhibits, NC	175,000
D. Boone NF, recreation improvements, KY	795,000
Nantahala NF Santeetlah Lake boat ramp improvements, NC	1,250,000
Nantahala NF Jackrabbit rec area, NC	1,030,000
Pisgah NF, Lake Powhatan cmpgrd rehab, NC	1,660,000
Pisgah NF, Mortimer Recreation Area, NC	200,000
San Bernardino NF sanitation rehab, CA	725,000
Waldo Lake rec rehab, OR	450,000
Tongass Juneau housing phase I, AK	1,051,000
Tongass Juneau housing phase II, AK	552,000
Tongass Admir. NM/Juneau RD admin phase I, AK	619,000
Tongass Admir. NM/Juneau RD admin phase II, AK	2,419,000
Black Hills Mystic Lab/common area, SD	4,300,000
Monongahela NF facilities, WV	1,190,000
University of Montana planning, MT	150,000
Smith County lake feasibility study, MS	300,000
Inst. Pacific Islands Forestry, HI	2,500,000
Forest Products lab durability facility, WI	500,000
Camp Ouachita, AR	1,000,000
Tongass NF log transfer facilities, AK	1,500,000
Chugach NF Russian River visitor center planning, AK	500,000
Subtotal, Congressional Priorities	24,705,000
Subtotal, Facilities	217,040,000
Roads:	
Maintenance	$153,000,000
Capital Improvement	75,500,000
Congressional Priorities:	
Caribbean NF emergency repairs, PR	325,000
Chattahooche NF Rich Mtn rd, GA	318,000
Coweeta research center improvements, NC	125,000
Lake Tahoe basin, rehab & decommissioning, CA NV	2,000,000
Mt. Hood NF, Cloud Cap & Hood River Meadows, OR	396,000
Highland Scenic Hwy, Williams River, WV	800,000
Tongass NF, AK	5,000,000
Subtotal, Congressional Priorities	8,964,000
Subtotal, Roads	237,464,000
Trails:	
Maintenance	$37,750,000

Activity/Project	Amount
Capital Improvement	32,000,000
Congressional Priorities:	
D. Boone NF, Cave Run & Laurel Lake horse trails, KY	500,000
FL National scenic trail	500,000
Pacific Crest trail improvements, CA OR WA	850,000
Mount Yonah & Pinhoti Trails, GA	350,000
Continental Divide Trail	1,000,000
Pulaski trail, ID	300,000
Fernwood Park, Wasatch-Cache NF, UT	500,000
National trails, national responsibility	1,500,000
National trails, national responsibility	400,000
Subtotal, Congressional Priorities	5,900,000
Subtotal, Trails	75,650,000
Infrastructure Improvement:	
Fish Passage Barriers	7,200,000
Deferred Maintenance	24,800,000
Subtotal, Infrastructure Improvement	32,000,000
Total, Capital Improvement and Maintenance	562,154,000

The managers agree with the overall program direction for this account provided by both the House and the Senate. The funds for fish passage barriers include the $7,000,000 recommended by the House and the $200,000 for the Senate proposed project in Craig, AK. The agreement includes the House bill language concerning road decommissioning but not the Senate bill language earmark for Fernwood Park, UT. Funds for this Utah project are included in the table above.

The managers do not concur with Senate report language contained in the Capital Improvement and Maintenance account regarding the construction of Backcountry Huts in Alaska. Rather, $350,000 shall be available in the economic action budget line item of the State and Private Forestry account from funds appropriated in Public Law 108–7. To facilitate this construction, the managers have included bill language to transfer funds provided in Public Law 108–7, from the Capital Improvement and Maintenance account to the State and Private Forestry account. The managers direct the Forest Service to use expeditiously funds provided in the National Forest System account in this Act and additional funds, as needed, to complete necessary environmental analysis in advance of such construction. The managers direct the Forest Service to make the Economic Action funds available to the Alaska Mountain and Wilderness Huts Association for planning and construction of the huts. Huts constructed on national forest lands shall be available for use by the general public, as specified in the special use permit administered by the Forest Service. The Association will not have exclusive rights to use of such huts on national forest system land.

The managers note that in several cases specific congressional priority projects involve maintenance, improvement, and construction of a combination of facilities, roads, and trails. Although such congressional priorities are reflected in a single budget line item, the managers expect the agency to comply with congressional intent for completion of the entire project and authorize the agency to move funds between budget lines within the account to complete projects as intended while accurately reflecting project costs.

LAND ACQUISITION

The conference agreement provides $67,191,000 for land acquisition instead of $29,288,000 as proposed by the House and $76,440,000 as proposed by the Senate. Funds should be distributed as follows:

Area (state)	Amount
Alabama National Forests, multiple NFs (AL)	$750,000
Arapaho NF: Beaver Brook Watershed (CO)	2,400,000
Black Hills NF (SD)	1,000,000
Chatooga River Corridor, multiple NFs (NC/SC/GA)	750,000
Chattahoochee NF: Georgia Mts.—Riparian Project (GA)	500,000
Chequamegon-Nicolet NF: Wisconsin Wild Waterways (WI)	2,000,000
Cherokee NF: Tennessee Mountain (TN)	3,800,000
Coconino NF: Thomas Point (AZ)	400,000
Columbia River Gorge NSA	1,000,000
Custer NF: Schwend Ranch (MT)	750,000
Daniel Boone NF (KY)	750,000
DeSoto NF (MS)	360,000
Flathead NF: Swan Valley (MT)	2,750,000
Florida National Scenic Trails, multiple NFs (FL)	3,000,000
Francis Marion NF (SC)	1,300,000
Great Lakes/Great Lands, multiple NFs (MI)	1,500,000
Greater Yellowstone Area, multiple NFs (MT)	2,000,000
Green Mountain NF (VT) ..	1,500,000
Hoosier NF: Hoosier Unique Areas (IN)	500,000
Idaho Wilderness/W&S Rivers, multiple NFs (ID/MT)	706,000
Lake Tahoe Basin sensitive lands (CA/NV)	3,000,000
Los Padres NF: Ahearn Ranch (CA)	1,500,000
Mark Twain NF: Ozark Mountain Streams and Rivers (MO)	500,000
Monongahela NF: Beckwith (WV)	1,800,000
Mt. Baker-Snoqualmie NF: I–90 Corridor (WA)	5,000,000
Pacific Northwest Streams, multiple NFs (OR/WA)	1,875,000
Sawtooth NRA (ID)	1,000,000
Shawnee NF (IL)	500,000
Sumter NF (SC)	1,300,000
Suwannee Wildlife Corridor, multiple NFs (FL)	750,000
Talladega NF: Pinhoti Trail (AL)	1,000,000
Uwharrie NF: Uwharrie Trail (NC)	500,000
Wasatch-Cache NF: Bonneville Shoreline Trail (UT)	1,250,000
Wasatch-Cache NF: High Uintas (UT)	1,500,000
White River NF: High Elk Corridor (CO)	1,000,000
Subtotal	50,191,000
Acquisition Management ..	15,000,000
Critical Inholdings/Wilderness Protection	1,500,000
Land Exchange Equalization Payment	500,000
Total	67,191,000

For several years the managers have provided funds for the acquisition of small lots in the Lake Tahoe Basin. These funds have been provided under several descriptions, including urban lots, critically sensitive lands, and sensitive lands. The managers direct the Forest Service to consolidate unobligated balances from previous years for acquisition of these lots with the money provided for such acquisitions in this conference agreement.

Within the funds provided for Pacific NW Streams in Washington and Oregon, the managers agree that $1,075,000 is for the Tieton River project in Washington and $800,000 is for projects in the State of Oregon.

The conference agreement includes statutory language proposed by the Senate dealing with the acquisition of certain lands in the Tongass NF, AK. The conference agreement does not include statutory language earmarking funds for the Beaver Brook watershed in the Arapaho NF, CO. These funds have been added to the land acquisition account as shown in the table above.

ACQUISITION OF LANDS FOR NATIONAL FORESTS SPECIAL ACTS

The conference agreement provides $1,069,000 for the acquisition of lands for national forests special acts as recommended by both the House and the Senate.

ACQUISITION OF LANDS TO COMPLETE LAND EXCHANGES

The conference agreement provides an indefinite appropriation estimated to be $234,000 for the acquisition of lands to complete land exchanges as proposed by both the House and the Senate.

RANGE BETTERMENT FUND

The conference agreement provides an indefinite appropriation estimated to be $3,000,000 for the range betterment fund as proposed by both the House and the Senate.

GIFTS, DONATIONS AND BEQUESTS FOR FOREST AND RANGELAND RESEARCH

The conference agreement provides $92,000 for gifts, donations and bequests for forest and rangeland research as proposed by both the House and the Senate.

MANAGEMENT OF NATIONAL FOREST LANDS FOR SUBSISTENCE USES

The conference agreement provides $5,535,000 for management of national forest system lands for subsistence uses in Alaska as proposed by both the House and the Senate. The managers have not included the Senate proposed language providing special authority to transfer funds from this account for the Office of the General Counsel.

ADMINISTRATIVE PROVISIONS, FOREST SERVICE

The managers have retained the Senate bill language concerning aircraft for replacement. The conference agreement includes the Senate bill language concerning the transfer authority during wildfire emergencies after all fire suppression funds are obligated, but the agreement also specifies that the Forest Service will first transfer some portion of the funds from the land acquisition and forest legacy programs when available. The conference agreement allows the Forest Service to advance $3,000,000 to the National Forest Foundation and permits the Foundation up to $350,000 for administrative costs. The conference agreement includes the House proposed bill language for the National Fish and Wildlife Foundation. The conference agreement does not include specific direction concerning Jobs in the Woods grants in the State of Washington. The House language concerning High Sierra packers, CA is retained as is the Senate proposal concerning transfers of funds to implement the T'uf Shur Bien Preservation Trust Act in New Mexico. The conference agreement includes the Senate proposal for the Older Americans Act matching funds and the

Senate proposal concerning sale of excess buildings on the Wasatch-Cache NF, UT.

The managers are very concerned about USDA working capital fund charges levied against Forest Service accounts that far exceed anticipated levels. Bill language in section 342 of this Act requires greater clarity from all the agencies funded in this Act in their use of assessments.

Both the House and the Senate Committee reports expressed serious concern for the manner in which the Forest Service has implemented competitive sourcing studies. The managers remain very concerned and have provided instructions for the Forest Service and other agencies in section 340 of this Act, which replace the earlier instructions. The managers understand that last year the Forest Service spent at least $18,000,000 on this effort without any prior notification of, or approval by, the Committees on Appropriations. The managers understand that this effort will go forward during fiscal year 2004, but the Administration will provide more timely information to Congress and the public when undertaking competitive sourcing activities.

The managers encourage the Departments of the Interior and Agriculture to resume settlement negotiations regarding the new license for the Box Canyon Project (P–2042) with Public Utility District No. 1 of Pend Oreille County, WA, the Kalispel Tribe of Indians, and others. The goal of these negotiations should be a comprehensive settlement that addresses the power needs of the utility while ensuring reasonable measures are taken to address the environmental impacts of the project.

DEPARTMENT OF ENERGY

The managers agree that all energy technology program offices as well as other agencies and programs participating in the Clean Energy Technology Exports Initiative are strongly urged to contribute to this nine-agency effort.

CLEAN COAL TECHNOLOGY

(DEFERRAL AND RESCISSION)

The conference agreement defers $97,000,000 in clean coal technology funds as proposed by the Senate instead of a deferral of $86,000,000 as proposed by the House. The conference agreement also rescinds $88,000,000 in clean coal technology funds. These funds have been added to the base budget for the fossil energy research and development account where all continuing research programs and associated administrative expenses should be funded. Clean coal technology funds are limited to completing active projects under that program. Once those projects are completed, a separate clean coal technology account will no longer be required.

The managers have not included bill language authorizing the use of clean coal technology funds for the FutureGen program as proposed by the Senate. Funding is included in the fossil energy research and development account for FutureGen. The managers agree that clean coal technology funds should not be transferred to fund ongoing programs in fossil energy research and development. Rather, a rescission of excess clean coal funds should be proposed and, to the extent new and expanded research program funds are required, including funds for FutureGen, they should be budgeted directly in the fossil energy research and development account.

FOSSIL ENERGY RESEARCH AND DEVELOPMENT

The conference agreement includes $681,163,000 for fossil energy research and development, instead of $609,290,000 as proposed by the House and $593,514,000 as proposed by the Senate. The conference agreement includes funds for several ongoing programs that were previously funded under the clean coal technology account, funding to begin the FutureGen program, and funding increases for programs that provide critical underpinning for, and are critical for the success of, FutureGen. The increase in funding above the Senate proposed level is offset fully by the rescission of $88 million in clean coal technology funding. The numerical changes described below are to the House recommended level.

The conference agreement includes increases of $42,000,000 for the clean coal power initiative and $9,000,000 to initiate the FutureGen program. The funds provided for the FutureGen program are contingent on the receipt of a complete program plan that clearly and fully delineates by project and by year the funding for each element of, and milestone associated with, the FutureGen program. This plan should be closely coordinated with industry cooperators and submitted to the House and Senate Committees on Appropriations no later than December 31, 2003. The managers understand the need for a lower cost share for the initial research and planning stages of the FutureGen program, but any demonstration component must include at least a 50 percent industry cost share.

In transportation fuels and chemicals, there is an increase of $700,000 for syngas membrane technology.

In advanced fuels research, there is an increase of $350,000.

In advanced research, there are decreases of $33,000 in technology crosscut for the focus area for computational energy science, $750,000 for materials research, $19,000 for university coal research, and $7,000 for HBCU education and training. There is also an increase of $3,000,000 for coal utilization science as proposed by the Senate.

In distributed generation systems, there is an increase of $2,000,000 for fuel cell systems development for molten carbonate fuel cells including the MCFC/hybrid program.

There is an increase of $1,000,000 for the U.S./China Energy and Environmental Center. This program previously was funded using clean coal funds. The program has been moved from the clean coal account to the fossil energy research and development account. The managers note that this program complements both the clean coal power initiative and the FutureGen program.

In natural gas exploration and production, there is an increase of $3,000,000 for Arctic research.

In the gas hydrates program, there is an increase of $4,000,000, which will restore that program to the fiscal year 2003 level.

There is an increase of $50,000 for program support for the natural gas infrastructure program.

In oil technology, there is an increase of $1,500,000 for the Arctic Energy Office and a decrease of $20,000 for program support in the exploration and production activity. There is also an increase of $1,836,000 for effective environmental protection.

Other changes include an increase of $500,000 for cooperative research and development, a decrease of $234,000 for travel in the headquarters program direction activity, and an increase of $4,000,000 for National Energy Technology Laboratory infrastructure improvements in the general plant projects activity.

Bill Language.—The conference agreement includes $4,000,000 for NETL facilities renovation as proposed by the Senate rather than $2,000,000 as proposed by the House. As noted above, the $4,000,000 is added to the budget for this purpose. The conference agreement also includes language proposed by the Senate limiting headquarters travel expenditures to $536,000.

The managers agree to the following:

1. Any future funding for the FutureGen program should be requested as a direct appropriation in the fossil energy research and development program and should not be derived by transfer from any other account.

2. The FutureGen program should not be funded at the expense of ongoing fossil energy research.

3. The managers support the goals of the national climate change technology initiative—reducing greenhouse gas emissions and sequestering greenhouse gases—and encourage the Department to propose funding in future budgets within the context of existing programs in fossil energy research and development.

4. In addition to the activities described by the House for the use of the funds provided for the Russia technology program, the managers do not object to cooperative Russia/Korea oil and gas technology efforts.

5. There is no earmark for general plant projects other than the $4,000,000 provided in statutory language for NETL.

6. There is no funding provided in fiscal year 2004 for the energy efficiency science initiative.

7. The Department should continue research on mercury emissions reductions from lignite-fired power plants, consistent with the project proposals funded in September 2003. The managers understand that a second round of projects will be funded in January 2004 and expect the Department to consider this important research area when making awards.

The managers are concerned by the lack of progress in product design improvements aimed at reducing the cost of commercial fuel cell technology, especially with respect to tubular solid oxide fuel cell technology. If the fuel cell developers cannot provide evidence that clearly demonstrates that the commercial product will be capable of meeting a $400 per kilowatt target by the end of fiscal year 2004, without needing any additional product development, funding should be redirected to the Solid State Energy Conversion Alliance program and SECA-based hybrid technology development.

NAVAL PETROLEUM AND OIL SHALE RESERVES

The conference agreement provides $18,219,000 for naval petroleum and oil shale reserves instead of $20,500,000 as proposed by the House and $17,947,000 as proposed by the Senate. The change to the House level is a decrease of $2,281,000 for restoration activities in the production and operations program.

ELK HILLS SCHOOL LANDS FUND

The conference agreement provides an advance appropriation of $36,000,000 for the Elk Hills School Lands Fund as proposed by both the House and the Senate. These funds will become available on October 1, 2004.

ENERGY CONSERVATION

The conference agreement provides $888,937,000 for energy conservation instead of $879,487,000 as proposed by the House and $861,645,000 as proposed by the Senate. The numerical changes described below are to the House recommended level.

In vehicle technologies, there is a decrease of $500,000 in innovative concepts for the graduate automotive technology education program. There is an increase of $1,000,000 in subsystem integration and development for heavy vehicle propulsion and ancillary subsystems to fund an application specific refuse vehicle demonstration. There are decreases for advanced combustion engine research of $1,000,000 for combustion and emissions control for light and heavy-duty vehicles, $1,000,000 for heavy truck engine, and $500,000 for health impacts. There is also an

increase in advanced combustion engine research of $2,000,000 for waste heat recovery.

Also in vehicle technologies, there is a decrease of $1,000,000 in materials technology for automotive lightweight materials research. In fuels technology, there are decreases of $3,000,000 for advanced petroleum based fuels and $1,000,000 for environmental impacts and an increase of $400,000 in non-petroleum fuels and lubes for renewable and synthetic fuels. In technology introduction, there is an increase of $500,000 in testing and evaluation for vehicle evaluation. Finally, there is a decrease of $100,000 for the biennial FreedomCAR peer review.

In fuel cell technology, increases include $1,000,000 for transportation systems, $2,500,000 for stack component research and development, and $10,000,000 for technology validation. There is a decrease of $4,000,000 for fuel processor research and development.

In weatherization and intergovernmental, there are increases of $500,000 for the clean cities program and $500,000 for the inventions and innovations program and decreases of $10,000,000 for weatherization assistance, $500,000 for State energy programs, and $500,000 for the rebuild America program.

In distributed energy resources, there are decreases of $500,000 for industrial gas turbines, $1,000,000 for reciprocating engines (with the understanding that Argonne National Laboratory will provide technical support for this program), and $2,000,000 for advanced materials and sensors and an increase of $1,000,000 in distributed energy systems applications integration for the National Accounts Energy Alliance. The oil heat research program has been moved to the building technologies activity.

In building technologies, there are increases of $500,000 for oil heat research for residential buildings, $1,250,000 in emerging technologies for lighting research and development, and $500,000 in equipment and analysis for appliance standards and decreases in emerging technologies of $350,000 for space conditioning and refrigeration and $250,000 for appliances and emerging technology research and development.

In industrial technologies there are decreases of $2,500,000 for the black liquor gasification program and $1,000,000 for industrial assessment centers.

In biomass and biorefinery systems, there is an increase of $7,600,000 to restore partially the base budget. The Department should keep the House and Senate Committees on Appropriations advised on how these funds will be used and should ensure that these programs have a direct relationship to programs historically funded in the Interior bill and are clearly distinct from biomass programs funded in the Energy and Water bill.

In program management, there is a decrease of $5,000,000 for the energy efficiency science initiative and an increase of $900,000 for management of the distributed energy resources program, including additional staffing and program management support through the National Energy Technology Laboratory.

Finally, there is an increase of $15,000,000 because the managers have not agreed to the general decrease adopted in House floor action.

Bill Language.—The conference agreement earmarks $274,500,000 for energy conservation grant programs instead of $285,000,000 as proposed by the House and $274,000,000 as proposed by the Senate. The conference agreement earmarks $230,000,000 for weatherization assistance as proposed by the Senate instead of $240,000,000 as proposed by the House. The conference agreement earmarks $44,500,000 for State energy programs instead of $45,000,000 as proposed by the House and $44,000,000 as proposed by the Senate.

The managers agree to the following:

1. The budget justification for fiscal year 2005 should include a program specific table like the one provided separately to the House and Senate Committees on Appropriations for fiscal year 2004. The Department should also clearly indicate, in the budget justification for the program management account, the amount of management funds and staffing for each program area. The official budget detail table should contain stub entries for sub-activities within each program area. The Department should consult with the House and Senate Committees on Appropriations on the Congressional budget justification presentation for fiscal year 2005 as soon as possible but no later than November 25, 2003.

2. The managers support the goals of the national climate change technology initiative—reducing greenhouse gas emissions and sequestering greenhouse gases—and encourage the Department to propose funding in future budgets within the context of existing programs in energy conservation and fossil energy research and development.

3. The funds available for health impacts research in the vehicle technologies program should be used to continue existing projects.

4. Of the funds provided for waste heat recovery research, $500,000 is to continue the base program and $2,000,000 is for engine turbocharger research.

5. Within the amount provided in vehicle technologies for materials research, the Department should continue work on metal matrix composites and should work on predictive engineering for lightweight materials.

6. With the increased funds provided above the budget request for medium duty trucks in the non-petroleum fuels and lubes program, the managers understand that the Department will partner with industry to design/engineer at least two additional medium duty vehicle platforms with fully integrated natural gas engine and fuel systems to serve critical market niche applications; improve understanding and acceptance of natural gas vehicle technologies among fire, safety, and code officials; and conduct on-road evaluations of natural gas vehicles to determine their performance and identify technology development needs.

7. With the increased funds provided above the budget request for heavy duty trucks in the non-petroleum fuels and lubes program, the managers understand that the Department will develop heavy duty engines to operate on natural gas feedstock fuels used as either neat fuels or as blend stocks with conventional diesel fuels; develop engine and vehicle systems that use liquefied natural gas for optimal use in class eight trucks; and conduct on-road evaluations of liquefied natural gas vehicles to determine their performance and identify technology development needs.

8. With the increased funds provided above the budget request for fueling infrastructure in the non-petroleum fuels and lubes program, the managers understand that the Department will conduct research on a fueling station that could dispense compressed natural gas, liquefied natural gas, and compressed hydrogen; obtain exhaust samples and complete emissions characterization of emissions from natural gas vehicles using various after-treatment devices and ascertain the toxicity of resulting emissions; and complete development of particulate measurement technologies capable of obtaining and characterizing nanometer-scale samples.

9. The amount provided for lighting research includes $7,750,000 for the solid-state lighting program (also known as the next generation lighting initiative).

10. Funding for the National Fenestration Rating Council should continue at the same level as in fiscal year 2003.

11. Not less than $1,000,000 in the distributed energy systems applications integration program shall be used for the National Accounts Energy Alliance. The Department should complete its existing contracts; keep the funds provided in fiscal year 2004 in the base budget for future years; and add new projects as the current ones are completed.

12. Within the funds provided for the black liquor gasification program, research should continue on the low temperature Kraft process.

13. The managers are aware that under current law the Secretary of Energy can qualify additional energy conservation devices for grants under the weatherization assistance program. The Senate bill included a provision to make electrothermal storage technology explicitly eligible for funds provided under this program. The managers expect the Secretary to consider including electrothermal storage technology as an eligible energy conserving device.

14. There is no funding provided in fiscal year 2004 for the energy efficiency science initiative.

15. The managers encourage the use of the National Energy Technology Laboratory for energy conservation program management support. However, to the maximum extent possible, funds for NETL support should come from the program management activity. The managers agreed, in approving the energy efficiency and renewable energy reorganization, to transfer program management funds from individual programs to a single account. Programs should not be asked to pay additional management costs for NETL. Those costs should already be factored into the program management activity. If sufficient funds are not available in the program management activity, a reprogramming should immediately be submitted to the House and Senate Committees on Appropriations clearly explaining why additional funds are needed and fully justifying any use of program funds for management. Under no circumstances should funds provided in the Interior bill for program management be used to support programs funded in the Energy and Water bill.

The managers agree that the $3,000,000 provided for cooperative programs on technology transfer from National Laboratories with the Education and Research Consortium of the Western Carolinas is for technology maturation research to improve the cost-performance of technologies including late-stage engineering and high performance computing support, when appropriate, as well as database development and data mining and monitored field evaluations of novel technologies.

The DOE National Laboratories have developed numerous new energy conservation technologies that have the potential to reduce the energy required to heat and cool buildings in southeastern climates. Their micro sensors, controls, and wireless communications inventions can significantly improve the energy efficiency and economic competitiveness of industrial processes such as the pulping and drying of forest products. The National Laboratories also have developed fuel cell devices and engine emission control systems that have significant commercial appeal, can improve air quality, and can strengthen the energy security of the nation. A concerted technology transfer effort will help translate these and other National Laboratory-developed technology concepts into marketable products that have significant potential for reducing both energy usage and energy costs.

ECONOMIC REGULATION

The conference agreement provides $1,047,000 for economic regulation as proposed by both the House and the Senate.

STRATEGIC PETROLEUM RESERVE

The conference agreement provides $173,081,000 for the strategic petroleum reserve as proposed by the Senate instead of $175,081,000 as proposed by the House. The decrease to the House proposed level is for storage facilities development and operations.

The conference agreement does not include bill language proposed by the Senate requiring the Department to develop procedures to obtain oil for the SPR that maximize domestic supply of crude oil and minimize the cost to the Department of the Interior and the Department of Energy. The House had no similar provision.

NORTHEAST HOME HEATING OIL RESERVE

The conference agreement provides $5,000,000 for the northeast home heating oil reserve as proposed by both the House and the Senate. The managers agree that the Department should report to the House and Senate Committees on Appropriations on the circumstances under which the reserve will be used. The report should be submitted no later than December 1, 2003, and should provide various scenarios and the underlying assumptions for each of those scenarios.

ENERGY INFORMATION ADMINISTRATION

The conference agreement provides $82,111,000 for the energy information administration as proposed by the House instead of $80,111,000 as proposed by the Senate.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

INDIAN HEALTH SERVICE

INDIAN HEALTH SERVICES

The conference agreement provides $2,561,932,000 for Indian health services instead of $2,556,082,000 as proposed by the House and $2,546,524,000 as proposed by the Senate. The numerical changes described below are to the House recommended level.

In hospital and clinic programs there are increases of $850,000 for a mobile women's health unit in the Aberdeen area and $500,000 for staffing and operations at the King Cove, AK clinic and a decrease of $2,500,000 for the Indian health care improvement fund. In contract health care, there is an increase of $7,000,000.

Bill Language.—The conference agreement earmarks $467,046,000 for contract medical care instead of $460,046,000 as proposed by the House and $472,022,000 as proposed by the Senate. The conference agreement earmarks $270,734,000 for contract support costs as proposed by the House instead of $268,974,000 as proposed by the Senate.

Statutory language is included modifying the Senate-proposed distribution and use of $15,000,000 for alcohol control, enforcement, prevention, treatment, sobriety and wellness education in Alaska. The House had no similar provision. The managers expect the Service to submit a progress report no later than January 15, 2004, detailing how these funds have been used and the accomplishments that have been achieved in each prior year.

The managers agree to the following:

1. The funds provided for a mobile women's health unit in the Aberdeen area supplement a project begun with a grant from a private foundation. The unit will service the entire Aberdeen area, but will be based initially in North Dakota. The managers understand that no more than $50,000 will need to remain in the base budget for fiscal year 2005 for start-up costs. Afterwards the program should be self-sustaining.

2. Any costs paid by the Indian Health Service to any entity within the Department of Health and Human Services should be fully justified and explained in the budget request or justified through the reprogramming process. The Service should not be required to ''absorb'' any increases in such costs.

3. The managers are extremely concerned about FTE reductions imposed on the Service. This issue is addressed in more detail under administrative provisions.

4. The managers are pleased by the Department's recent decision to exempt the Service from the human resources consolidation effort. The House and Senate Committees on Appropriations should be kept fully informed of any consolidation efforts in HHS that affect the Service.

INDIAN HEALTH FACILITIES

The conference agreement provides $396,232,000 for Indian health facilities instead of $392,560,000 as proposed by the House and $391,188,000 as proposed by the Senate. The change to the House recommended level is an increase in hospital and clinic construction of $3,672,000 for a regional youth treatment center in Wadsworth, NV. Use of these funds is contingent on continued agreement among the tribes in the area.

The managers agree to the following distribution of hospital and clinic construction funds:

Project	*Amount*
Pinon, AZ clinic (complete construction)	$19,577,000
Red Mesa, AZ clinic (ongoing construction)	30,000,000
St. Paul, AK clinic (complete construction)	6,520,000
Metlakatla, AK clinic (complete construction)	9,205,000
Sisseton, SD clinic (ongoing construction)	17,960,000
Eagle Butte, SD clinic (design)	2,800,000
Bethel, AK staff quarters (complete construction)	5,000,000
Dental units (ongoing program)	1,000,000
Regional Youth Treatment Center, Wadsworth, NV (full cost)	3,672,000
Total	95,734,000

The managers agree that if mammography equipment is a high priority for the Alaska Tribal Health Consortium and for the Alaska area, it should be funded within the area's allocation provided for equipment.

Bill Language.—The conference agreement earmarks a maximum of $1,000,000 from the services and facilities accounts for ambulances purchased from the General Services Administration as proposed by the Senate instead of $500,000 from the facilities account only as proposed by the House.

ADMINISTRATIVE PROVISIONS, INDIAN HEALTH SERVICE

The conference agreement modifies a provision proposed by the Senate prohibiting the use of funds for HHS-wide consolidation efforts and for associated assessments and charges. The modification drops the reference to consolidation efforts but prohibits the use of funds for HHS assessments or charges that are not specifically identified in the budget request and provided in this Act, or justified through the reprogramming process. The provision also includes a restriction on FTE reductions similar to that carried in past years. The FTE limitation would prohibit the reduction of FTEs in the Service below the fiscal year 2002 level adjusted upward for staffing required for new and expanded facilities, additional staffing requirements funded for the Lawton, OK hospital in fiscal years 2003 and 2004, critical positions not filled in fiscal year 2002, and staffing necessary to carry out the intent of Congress with regard to program increases.

OTHER RELATED AGENCIES

OFFICE OF NAVAJO AND HOPI INDIAN RELOCATION

SALARIES AND EXPENSES

The conference agreement provides $13,532,000 for salaries and expenses of the Office of Navajo and Hopi Indian Relocation as proposed by both the House and the Senate.

INSTITUTE OF AMERICAN INDIAN AND ALASKA NATIVE CULTURE AND ARTS DEVELOPMENT

PAYMENT TO THE INSTITUTE

The conference agreement provides $6,250,000 for payment to the institute as proposed by the Senate instead of $5,250,000 as proposed by the House.

The change to the House is an increase of $1,000,000 in matching funds that will allow the Institute to begin construction of its new learning center.

SMITHSONIAN INSTITUTION

SALARIES AND EXPENSES

The conference agreement provides $494,748,000 for salaries and expenses of the Smithsonian Institution, instead of $489,748,000 as proposed by the House and $487,989,000 and proposed by the Senate. The increase of $5,000,000 to the House level is provided to offset in part the general reduction of $12,349,000 to this account that was included in the fiscal year 2004 budget justification.

FACILITIES CAPITAL

The conference agreement provides $108,970,000 for the Facilities Capital account, instead of $93,970,000 as proposed by the House and $89,970,000 as proposed by the Senate. The increase of $15,000,000 to the House funding level is provided to further assist the National Zoo with its repair and rehabilitation efforts.

ADMINISTRATIVE PROVISIONS, SMITHSONIAN INSTITUTION

The conference agreement does not include the voluntary separation incentive provision contained in the House-passed bill because such authority has been provided to the Smithsonian Institution through other legislation. The Senate bill contained no such provision.

NATIONAL GALLERY OF ART

SALARIES AND EXPENSES

The conference agreement provides $87,849,000 for salaries and expenses of the National Gallery of Art instead of $88,849,000 as proposed by the House and $85,650,000 as proposed by the Senate. The change to the House proposed level is a decrease of $1,000,000 for operation and maintenance of buildings and grounds.

REPAIR, RESTORATION AND RENOVATION OF BUILDINGS

The conference agreement provides $11,600,000 for repair, restoration and renovation of buildings as proposed by both the House and the Senate.

JOHN F. KENNEDY CENTER FOR THE PERFORMING ARTS

OPERATIONS AND MAINTENANCE

The conference agreement provides $16,560,000 for operations and maintenance of the Kennedy Center as proposed by both the House and the Senate.

CONSTRUCTION

The conference agreement provides $16,000,000 for construction as proposed by both the House and the Senate.

WOODROW WILSON INTERNATIONAL CENTER FOR SCHOLARS

SALARIES AND EXPENSES

The conference agreement provides $8,604,000 for salaries and expenses of the

Woodrow Wilson International Center for Scholars as proposed by both the House and the Senate.

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

NATIONAL ENDOWMENT FOR THE ARTS

GRANTS AND ADMINISTRATION

The conference agreement provides $122,480,000 for grants and administration of the National Endowment for the Arts instead of $127,480,000 as proposed by the House and $117,480,000 as proposed by the Senate. Decreases to the House level include $3,000,000 from the Challenge America grants base program and $2,000,000 from Challenge America State partnerships.

NATIONAL ENDOWMENT FOR THE HUMANITIES

GRANTS AND ADMINISTRATION

The conference agreement provides $120,878,000 for grants and administration of the National Endowment for the Humanities, instead of $125,878,000 as proposed by both the House and the Senate. Decreases to the House level include $4,000,000 from the ''We the People'' grants initiative and $1,000,000 from estimated administrative costs associated specifically with that program. When combined with amounts provided within the Matching Grants account that follows, the total appropriation for the NEH for fiscal year 2004 is $137,000,000, an increase of $12,064,000 above the current year enacted level.

The conference agreement includes an amount of $10,000,000 in new funding to support the Administration's ''We the People'' American history and civics initiative. Both Congress and the Administration have demonstrated strong interest in expanding the monies intended specifically for grants in this area. Legislation currently pending in the Congress may complement and extend the reach of the ''We the People'' grants proposal put forward by the Administration in its fiscal year 2004 budget justification. Should the authorization bill now under consideration be enacted into law, the managers expect that this will be reflected in future budget requests. The NEH should, however, not wait on potential future action before allocating available funds for the initiative as originally proposed. Further, the managers are aware that throughout the past year, State humanities councils have dedicated considerable time and effort to crafting program proposals for the ''We the People'' initiative that would be implemented at the local and regional levels. The managers expect that as funds are allocated to the various programmatic areas participating in the American history initiative, state humanities councils will be represented appropriately.

An overall administrative increase of $1,374,000 has been included in the budget that will allow the NEH to meet the escalating costs associated with pay, benefits, rent and the like. However, the managers do not agree to the establishment of a separate office with its own funding line dedicated to the administration of the ''We the People'' initiative. These activities should be incorporated and managed through the existing programmatic and administrative structure of the NEH.

MATCHING GRANTS

The conference agreement provides $16,122,000 for matching grants as proposed by the House and the Senate.

COMMISSION OF FINE ARTS

SALARIES AND EXPENSES

The conference agreement provides $1, 422,000 for salaries and expenses of the Commission of Fine Arts as proposed by the House and the Senate.

NATIONAL CAPITAL ARTS AND CULTURAL AFFAIRS

The conference agreement provides $7,000,000 for national capital arts and cultural affairs as proposed by the House instead of $6,000,000 as proposed by the Senate. The agreement does not include the bill language proposed by the House and enacted in fiscal year 2003 concerning alterations to the budget structure of this account.

ADVISORY COUNCIL ON HISTORIC PRESERVATION

SALARIES AND EXPENSES

The conference agreement provides $4,000,000 for salaries and expenses of the Advisory Council on Historic Preservation as proposed by the Senate instead of $4,100,000 as proposed by the House.

NATIONAL CAPITAL PLANNING COMMISSION

SALARIES AND EXPENSES

The conference agreement provides $7,730,000 for salaries and expenses of the National Capital Planning Commission as proposed by the House instead of $8,030,000 as proposed by the Senate. The managers direct that no funding be used for the railroad relocation study. The NCPC should not initiate such security planning efforts without clear direction from Federal security agencies and approval by the House and Senate Committees on Appropriations.

UNITED STATES HOLOCAUST MEMORIAL MUSEUM

HOLOCAUST MEMORIAL MUSEUM

The conference agreement provides $39,997,000 for the Holocaust Memorial Museum as proposed by the House and the Senate.

PRESIDIO TRUST

PRESIDIO TRUST FUND

The conference agreement provides $20,700,000 for the Presidio Trust Fund as proposed by both the House and the Senate.

TITLE III—GENERAL PROVISIONS

The conference agreement includes sections 301–304, 307, 309–317, and 319–321which were identical in both the House and Senate bills.

The conference agreement includes the text of the following sections in the House bill, which contained identical text in the Senate bill, but had different section numbers in the Senate bill. The House section numbers were 326, 327, and 329.

Section 305—The conference agreement retains Senate section 305 continuing a provision restricting departmental assessments unless approved by the Committees on Appropriations. The House had a similar provision.

Section 306—The conference agreement retains Senate section 306 continuing a provision limiting the actions of the Forest Service and the Bureau of Land Management with regard to the sale of giant sequoia trees. The House had a similar provision.

Section 308—The conference agreement retains House section 308 dealing with contract support costs in the Bureau of Indian Affairs and the Indian Health Service.

Section 318—The conference agreement retains House section 318 continuing a provision regulating the export of Western Red Cedar from the national forest system in Alaska. The Senate had a similar provision.

Section 322—The conference agreement retains House section 322 extending the Forest Service Conveyances Pilot Program.

Section 323—The conference agreement retains Senate section 322 continuing for one year a provision providing authority for the staff of Congressionally established foundations to use GSA contract air and hotel rates. The House proposed to make this provision permanent.

Section 324—The conference agreement retains Senate section 323 providing the Secretary of Agriculture and the Secretary of the Interior the authority to enter into reciprocal agreements with foreign nations concerning the personal liability of firefighters. The House had a similar provision.

Section 325—The conference agreement modifies Senate section 324 continuing a provision dealing with processing expired grazing permits by the Bureau of Land Management and the Forest Service. The House had a similar provision.

Section 328—The conference agreement retains House section 328 continuing a legislative provision limiting funds for oil or gas leasing or permitting on the Finger Lakes National Forest, NY.

The conference agreement does not include Senate section 329 allowing for a local exemption from the Forest Service fee demonstration program.

Section 330—The conference agreement retains Senate section 328 continuing a provision authorizing the Secretary of the Interior and the Secretary of Agriculture to give consideration to rural communities and nonprofit groups for hazardous fuels reduction contracts. The House had a similar provision.

Section 333—The conference agreement retains Senate section 330 modifying the Gallatin Land Consolidation Act of 1998.

Section 331—The conference agreement retains House section 331 limiting the use of funds for filing declarations of takings or condemnations. This provision does not apply to the Everglades National Park Protection and Environmental Act.

Section 336—The conference agreement modifies Senate section 331 allowing the Secretary of Agriculture to convey land acquired under the Forest Legacy program; the new provision applies only to the State of Vermont, and if the conveyed lands or interests in lands are ever sold in the future by the State of Vermont, the State must reimburse the Secretary of Agriculture and this funding would be credited to the Forest Service wildfire management account.

Section 332—The conference agreement modifies House section 332 to extend the Recreation Fee Demonstration Program for 15 months instead of a two-year extension as proposed by the House.

Section 337—The conference agreement retains Senate section 332 amending the Lake Tahoe Restoration Act to modify cost sharing requirements.

Section 334—The conference agreement retains House section 333 making permanent existing procurement authorities for the Land Between the Lakes NRA, KY and TN.

Section 338—The conference agreement retains Senate section 333 concerning legal challenges to timber sales on the Tongass National Forest.

Section 335—The conference agreement retains House section 334 amending and extending the pilot program for the harvest of botanical products on Forest Service lands.

Section 339—The conference agreement modifies Senate section 334 concerning cancellation of certain timber sale contracts in Alaska by removing the first clause, and by adding language so that the authority to terminate a contract under this section shall apply to a maximum number of 70 timber sale contracts on the Tongass national forest awarded between October 1, 1995 and January 1, 2002; and the Secretary of Agriculture must determine that the cost to the government of seeking a legal remedy against a purchaser would likely exceed the cost of terminating the contract.

Section 340—The conference agreement modifies House section 335 requiring full accounting of the funding requirements of

competitive sourcing studies and limiting the use of funds for competitive sourcing studies under certain situations.

The managers have modified the House language to require that funding levels for competitive sourcing studies be displayed in annual budget justifications for the programs funded in this bill for the Department of the Interior, the Department of Energy, and the Forest Service. This section also requires these agencies to provide detailed reporting on the results of past competitive sourcing studies by December 31, 2003. In addition, for fiscal year 2004, these agencies and programs are required to submit to the House and Senate Committees on Appropriations, within 60 days of enactment of this Act, a detailed program of work for competitive sourcing activities planned for fiscal year 2004.

The total amounts that may be spent by the Department of the Interior and the Department of Energy for competitive sourcing activities initiated or continued in fiscal year 2004, without obtaining approval through the reprogramming process, are $2,500,000 and $500,000, respectively. If additional funds are required over and above these amounts, the Department of the Interior and the Department of Energy should follow established reprogramming guidelines. The Forest Service may, on the other hand, spend a maximum of $5,000,000 on competitive sourcing activities initiated or continued in fiscal year 2004.

Each competitive sourcing study involving more than ten Federal employees must be based on a most cost efficient and cost effective organization plan and the contracted function must be less costly to the government by ten percent or $10,000,000. Certain types of procurements and businesses involving non-profit handicap organizations, Indian tribes, and Hawaiian natives are exempt from the most effective and cost efficient organization plan requirement and the ten percent or $10,000,000 threshold.

The conference agreement does not include Senate section 335 permitting use of previously appropriated funds and other funds for acquisition of land in the Blueberry Lake area in Green Mountain NF, Vermont.

The conference agreement does not include House section 336 limiting the use of funds for implementing competitive sourcing studies at Archeological Centers in Nebraska and Florida. This issue is addressed in General Provisions, Department of the Interior at the end of Title I.

The conference agreement does not include Senate section 336 dealing with electrothermal storage technology. This issue is addressed under the energy conservation account.

The conference agreement does not include House section 337 limiting funds to implement amendments to Bureau of Land Management regulations on recordable Disclaimers of Interest.

The conference agreement does not include Senate section 337 establishing a Zortman/Landusky mine reclamation trust fund with annual deposits from the Treasury of $2,250,000.

Sections 341 and 342—The conference agreement modifies Senate section 338 amending the Southern Nevada Public Land Management Act, and includes an additional amendment to the same Act regarding land exchanges.

The conference agreement does not include Senate section 339 authorizing the acquisition of land by donation in Nye County, NV, for administrative and visitor facilities for Death Valley NP.

The conference agreement modifies Senate section 341 dealing with the conveyance of lands to Las Vegas, NV. This issue is also addressed in General Provisions, Department of the Interior at the end of Title I.

The conference agreement does not include Senate section 342 requiring a report detailing the scenarios under which the Northeast Home Heating Oil Reserve will be drawn down.

The conference agreement retains Senate section 343 amending a previous act regarding a boundary revision at Congaree Swamp NM, SC. This issue is addressed in General Provisions, Department of the Interior at the end of Title I.

The conference agreement retains Senate section 344 amending the Marine Mammal Protection Act. This issue is addressed in General Provisions, Department of the Interior at the end of Title I.

The conference agreement does not include Senate section 345 exempting business size restrictions for rural business enterprise grants for Oakridge, Oregon.

Section 343—The conference agreement includes language requiring Departmental assessments to be displayed in the budget justification and requiring approval of the Committees on Appropriations for any changes to the assessments.

The conference agreement does not include a separate Title IV dealing with wildland fire emergency appropriations as proposed by the Senate. However, $99,000,000 in emergency fire funds for repayment of monies borrowed from other accounts is included in the Bureau of Land Management, Wildland Fire Management account. An additional $301,000,000 for a similar purpose is included in the Forest Service Wildland Fire Management account. These amounts were requested by the Administration.

Section 344—The conference agreement includes an across the board reduction of 0.646 percent. This reduction should be applied to each program, project, and activity.

TITLE IV—FLATHEAD AND KOOTENAI NATIONAL FOREST REHABILITATION ACT

The conference agreement contains, with minor modifications, the text of the Flathead and Kootenai National Forest Rehabilitation Act as proposed by the Senate. This legislation provides authority for the Forest Service to expedite implementation of restoration projects on these national forests.

DEPARTMENT OF INTERIOR AND RELATED AGENCIES (Amounts in thousands)
(Conference amounts exclude 0.646% across-the-board cut)

	FY 2003 Enacted	FY 2004 Request	Conference	Conference vs. Enacted
TITLE I - DEPARTMENT OF THE INTERIOR				
BUREAU OF LAND MANAGEMENT				
Management of Lands and Resources				
Land Resources				
Soil, water and air management	35,824	34,936	36,136	+312
Range management	72,256	70,180	72,880	+624
Forestry management	7,188	8,197	8,197	+1,009
Riparian management	21,967	21,972	21,972	+5
Cultural resources management	15,257	14,700	14,700	-557
Wild horse and burro management	29,524	29,422	29,422	-102
Subtotal, Land Resources	182,016	179,407	183,307	+1,291
Wildlife and Fisheries				
Wildlife management	22,201	22,423	22,423	+222
Fisheries management	11,593	11,869	11,869	+276
Subtotal, Wildlife and Fisheries	33,794	34,292	34,292	+498
Threatened and endangered species	21,532	21,831	21,831	+299
Recreation Management				
Wilderness management	17,374	16,999	17,499	+125
Recreation resources management	41,472	48,718	48,718	+7,246
Recreation operations (fees)	993	1,000	1,000	+7
Subtotal, Recreation Management	59,839	66,717	67,217	+7,378
Energy and Minerals				
Oil and gas	86,123	85,953	88,953	+2,830
Coal management	9,526	9,538	9,538	+12
Other mineral resources	10,250	10,434	10,434	+184
Subtotal, Energy and Minerals	105,899	105,925	108,925	+3,026
Alaska minerals	2,484	2,222	2,484	---
Realty and Ownership Management				
Alaska conveyance	36,826	32,943	42,443	+5,617
Cadastral survey	15,024	13,945	16,920	+1,896
Land and realty management	36,770	34,045	35,045	-1,725
Subtotal, Realty and Ownership Management	88,620	80,933	94,408	+5,788
Resource Protection and Maintenance				
Resource management planning	47,242	48,146	49,146	+1,904
Resource protection and law enforcement	14,318	14,798	14,798	+480
Hazardous materials management	16,705	16,726	18,426	+1,721
Subtotal, Resource Protection and Maintenance	78,265	79,670	82,370	+4,105
Transportation and Facilities Maintenance				
Operations	6,386	6,402	6,402	+16
Annual maintenance	31,974	31,025	31,025	-949
Deferred maintenance	13,600	11,503	12,503	-1,097
Infrastructure improvement	30,826	29,414	31,414	+588
Subtotal, Transportation/Facilities Maintenance	82,786	78,344	81,344	-1,442
Land and resources information systems	19,215	18,991	18,991	-224
Mining Law Administration				
Administration	32,696	32,696	32,696	---
Offsetting fees	-32,696	-32,696	-32,696	---
Subtotal, Mining Law Administration	---	---	---	---
Workforce and Organizational Support				
Information systems operations	16,342	18,762	18,762	+2,420
Administrative support	49,785	49,817	49,817	+32
Bureauwide fixed costs	65,885	70,195	70,195	+4,310
Subtotal, Workforce and Organizational Support	132,012	138,774	138,774	+6,762

DEPARTMENT OF INTERIOR AND RELATED AGENCIES (Amounts in thousands)
(Conference amounts exclude 0.646% across-the-board cut)

	FY 2003 Enacted	FY 2004 Request	Conference	Conference vs. Enacted
Challenge cost share	13,882	20,973	16,378	+2,496
Total, Management of Lands and Resources	820,344	828,079	850,321	+29,977
Wildland Fire Management				
Preparedness	275,411	282,725	277,725	+2,314
Fire suppression operations	159,309	195,310	195,310	+36,001
Supplemental appropriations (P.L. 108-83)	36,000	---	---	-36,000
Borrowing repayment (emergency appropriations)	---	---	99,000	+99,000
Other operations	215,433	220,690	220,690	+5,257
Other appropriations (P.L. 108-7)	189,000	---	---	-189,000
Total, Wildland Fire Management	875,153	698,725	792,725	-82,428
Central Hazardous Materials Fund				
Bureau of Land Management	9,913	9,978	9,978	+65
Construction				
Construction	11,898	10,976	13,976	+2,078
Land Acquisition				
Land Acquisition				
Acquisitions	27,272	18,186	13,600	-13,672
Emergencies and hardships	1,490	1,500	1,000	-490
Acquisition management	3,974	3,500	3,500	-474
Land exchange equalization payment	497	500	500	+3
Total, Land Acquisition	33,233	23,686	18,600	-14,633
Oregon and California Grant Lands				
Western Oregon resources management	85,794	87,454	87,454	+1,660
Western Oregon information and resource data systems	2,192	2,202	2,202	+10
Western Oregon transportation & facilities maintenance	10,887	10,911	10,911	+24
Western Oregon construction and acquisition	297	297	297	---
Jobs in the woods	5,777	5,808	5,808	+31
Total, Oregon and California Grant Lands	104,947	106,672	106,672	+1,725
Range Improvements				
Improvements to public lands	7,873	7,873	7,873	---
Farm Tenant Act lands	1,527	1,527	1,527	---
Administrative expenses	600	600	600	---
Total, Range Improvements	10,000	10,000	10,000	---
Service Charges, Deposits, and Forfeitures				
Rights-of-way processing	1,115	12,000	10,667	+9,552
Adopt-a-horse program	1,225	1,225	1,225	---
Repair of damaged lands	3,666	3,666	3,666	---
Cost recoverable realty cases	515	1,015	515	---
Timber purchaser expenses	50	50	50	---
Copy fees	1,329	2,534	2,534	+1,205
Subtotal (gross)	7,900	20,490	18,657	+10,757
Offsetting fees	-7,900	-20,490	-18,657	-10,757
Total, Service Charges, Deposits & Forfeitures	---	---	---	---
Miscellaneous Trust Funds				
Current appropriations	12,405	12,405	12,405	---
TOTAL, BUREAU OF LAND MANAGEMENT	1,877,893	1,700,521	1,814,677	-63,216

DEPARTMENT OF INTERIOR AND RELATED AGENCIES (Amounts in thousands)
(Conference amounts exclude 0.646% across-the-board cut)

	FY 2003 Enacted	FY 2004 Request	Conference	Conference vs. Enacted
UNITED STATES FISH AND WILDLIFE SERVICE				
Resource Management				
Ecological Services				
Endangered species				
Candidate conservation	9,867	8,670	9,930	+63
Listing	9,018	12,286	12,286	+3,268
Consultation	47,459	45,734	47,734	+275
Recovery	65,412	62,029	68,754	+3,342
Subtotal, Endangered species	131,756	128,719	138,704	+6,948
Habitat conservation	85,070	82,336	88,411	+3,341
Environmental contaminants	10,710	10,805	10,805	+95
Subtotal, Ecological Services	227,536	221,860	237,920	+10,384
Refuges and Wildlife				
Refuge operations and maintenance	367,377	402,015	391,315	+23,938
Salton Sea recovery	992	---	---	-992
Migratory bird management	28,697	31,121	32,496	+3,799
Law enforcement operations	51,590	52,666	54,366	+2,776
Supplemental appropriations (P.L. 108-83)	5,000	---	---	-5,000
Subtotal, Refuges and Wildlife	453,656	485,802	478,177	+24,521
Fisheries				
Hatchery operations and maintenance	54,098	58,027	58,715	+4,617
Fish and wildlife management	52,538	45,579	57,032	+4,494
Subtotal, Fisheries	106,636	103,606	115,747	+9,111
General Administration				
Central office administration	14,474	17,275	17,275	+2,801
Regional office administration	24,060	23,787	23,787	-273
Servicewide administrative support	58,132	57,709	57,709	-423
National Fish and Wildlife Foundation	7,620	7,670	7,670	+50
National Conservation Training Center	16,037	15,639	16,489	+452
International affairs	8,114	8,178	8,178	+64
Caddo Lake Ramsar Center	199	---	400	+201
Subtotal, General Administration	128,636	130,258	131,508	+2,872
Total, Resource Management	916,464	941,526	963,352	+46,888
Construction				
Construction and rehabilitation				
Line item construction	43,425	24,073	49,234	+5,809
Nationwide engineering services	10,648	11,320	11,320	+672
Total, Construction	54,073	35,393	60,554	+6,481
Land Acquisition				
Fish and Wildlife Service				
Acquisitions - Federal refuge lands	55,507	24,684	30,070	-25,437
Inholdings	1,987	2,500	1,500	-487
Emergencies and hardships	1,987	2,000	1,000	-987
Exchanges	993	1,000	500	-493
Acquisition management	9,935	8,495	8,500	-1,435
Cost allocation methodology	2,484	2,058	2,058	-426
Total, Land Acquisition	72,893	40,737	43,628	-29,265
Landowner Incentive Program				
Grants to States	39,740	40,000	30,000	-9,740
Rescission of FY 2002 funds	-40,000	---	---	+40,000
Total, Landowner incentive program	-260	40,000	30,000	+30,260

DEPARTMENT OF INTERIOR AND RELATED AGENCIES (Amounts in thousands)
(Conference amounts exclude 0.646% across-the-board cut)

	FY 2003 Enacted	FY 2004 Request	Conference	Conference vs. Enacted
Private Stewardship Grants Program				
Stewardship grants	9,935	10,000	7,500	-2,435
Rescission of FY 2002 funds	-10,000	---	---	+10,000
Total, Private stewardship grants program	-65	10,000	7,500	+7,565
Cooperative Endangered Species Conservation Fund				
Grants to States	26,754	34,029	30,029	+3,275
HCP land acquisition	51,136	50,000	50,000	-1,136
Administration	2,583	2,585	2,585	+2
Total, Cooperative Endangered Species Fund	80,473	86,614	82,614	+2,141
National Wildlife Refuge Fund				
Payments in lieu of taxes	14,320	14,414	14,414	+94
North American Wetlands Conservation Fund				
Wetlands conservation	36,777	47,578	36,480	-297
Administration	1,532	1,982	1,520	-12
Total, North American Wetlands Conservation Fund	38,309	49,560	38,000	-309
Neotropical Migratory Bird Conservation Fund				
Migratory bird grants	2,981	---	4,000	+1,019
Multinational Species Conservation Fund				
African elephant conservation	1,192	1,000	1,400	+208
Rhinoceros and tiger conservation	1,192	1,000	1,400	+208
Asian elephant conservation	1,192	1,000	1,400	+208
Great ape conservation	1,192	1,000	1,400	+208
Neotropical migratory bird conservation	---	3,000	---	---
Total, Multinational Species Conservation Fund	4,768	7,000	5,600	+832
State and Tribal Wildlife Grants				
State and tribal wildlife grants	64,577	59,983	70,000	+5,423
TOTAL, U.S. FISH AND WILDLIFE SERVICE	1,248,533	1,285,227	1,319,662	+71,129
Appropriations	(1,298,533)	(1,285,227)	(1,319,662)	(+21,129)
Rescission	(-50,000)	---	---	(+50,000)
NATIONAL PARK SERVICE				
Operation of the National Park System				
Park Management				
Resource stewardship	338,149	334,646	340,114	+1,965
Visitor services	315,375	318,028	324,348	+8,973
Maintenance	519,970	569,695	567,230	+47,260
Park support	283,305	294,590	286,378	+3,073
Subtotal, Park Management	1,456,799	1,516,959	1,518,070	+61,271
External administrative costs	107,532	114,923	114,571	+7,039
Travel reduction	---	---	-3,000	-3,000
Total, Operation of the National Park System	1,564,331	1,631,882	1,629,641	+65,310
United States Park Police				
Park Police	77,921	78,859	78,859	+938
National Recreation and Preservation				
Recreation programs	548	855	555	+7
Natural programs	10,877	12,511	11,011	+134
Cultural programs	19,918	19,071	19,936	+18
International park affairs	1,708	1,626	1,626	-82
Environmental and compliance review	397	401	401	+4
Grant administration	1,575	1,595	1,595	+20

DEPARTMENT OF INTERIOR AND RELATED AGENCIES (Amounts in thousands)
(Conference amounts exclude 0.646% across-the-board cut)

	FY 2003 Enacted	FY 2004 Request	Conference	Conference vs. Enacted
Heritage Partnership Programs				
Commissions and grants	14,162	7,616	14,329	+167
Administrative support	118	124	124	+6
Subtotal, Heritage Partnership Programs	14,280	7,740	14,453	+173
Statutory or Contractual Aid				
Aleutian World War II Historic Area	397	---	---	-397
Benjamin Franklin Tercentenary Commission	---	---	200	+200
Blue Ridge Parkway (Folk Art Center)	---	---	750	+750
Brown Foundation	200	101	200	---
Chesapeake Bay Gateway	1,987	798	2,500	+513
Dayton Aviation Heritage Commission	446	47	87	-359
Flight 93 Memorial	298	---	298	---
French and Indian War (PA)	---	---	500	+500
Harry S. Truman Statue	---	---	50	+50
Ice Age National Scientific Reserve	801	806	806	+5
Jamestown 2007	199	---	199	---
Johnstown Area Heritage Association	49	49	49	---
Lake Roosevelt Forum	50	---	50	---
Lamprey River	596	155	1,000	+404
Louisiana Purchase Comm of Arkansas	199	---	---	-199
Mandan Interpetive Center and Lodge project	---	---	500	+500
Martin Luther King, Jr. Center	525	528	528	+3
National Constitution Center, PA	497	---	---	-497
Native Hawaiian culture and arts program	735	740	740	+5
New Orleans Jazz Commission	66	66	66	---
Oklahoma City Memorial	---	---	1,600	+1,600
Office of Arctic Studies	1,490	---	1,500	+10
Penn Center National landmark, SC	497	---	---	-497
Roosevelt Campobello International Park Commission	797	847	847	+50
Sewall-Belmont House	397	---	---	-397
Sleeping Rainbow Ranch, Capitol Reef NP	497	---	497	---
St. Charles Interpretive Center	497	---	---	-497
Vancouver National Historic reserve	248	---	---	-248
Virginia Key Miami Beach	497	---	---	-497
Subtotal, Statutory or Contractual Aid	11,965	4,137	12,967	+1,002
Total, National Recreation and Preservation	61,268	47,936	62,544	+1,276
Urban Park and Recreation Fund				
Urban park grants	298	305	305	+7
Historic Preservation Fund				
State historic preservation offices	33,779	34,000	35,000	+1,221
Tribal grants	2,981	3,000	3,000	+19
Grants for millennium initiative	29,805	30,000	33,000	+3,195
National trust (endowment)	1,987	---	500	-1,487
HBCUs	---	---	3,000	+3,000
Total, Historic Preservation Fund	68,552	67,000	74,500	+5,948
Construction				
Emergency and unscheduled	3,477	5,500	5,500	+2,023
Housing	9,935	8,000	8,000	-1,935
Equipment replacement	31,752	38,460	35,460	+3,708
Planning, construction	25,235	24,480	24,480	-755
General management plans	13,806	13,420	13,420	-386
Line item construction and maintenance	214,194	207,231	216,969	+2,775
Construction program management	24,631	27,466	27,466	+2,835
Dam safety	2,682	2,700	2,700	+18
Total, Construction	325,712	327,257	333,995	+8,283
Land and Water Conservation Fund				
(Rescission of contract authority)	-30,000	-30,000	-30,000	---
Land Acquisition and State Assistance				
Assistance to States				
State conservation grants	94,383	156,000	92,500	-1,883
Administrative expenses	2,981	4,011	2,500	-481
Total, Assistance to States	97,364	160,011	95,000	-2,364

DEPARTMENT OF INTERIOR AND RELATED AGENCIES (Amounts in thousands)
(Conference amounts exclude 0.646% across-the-board cut)

	FY 2003 Enacted	FY 2004 Request	Conference	Conference vs. Enacted
National Park Service				
Acquisitions	53,530	58,969	32,850	-20,680
Emergencies and hardships	3,974	4,000	2,000	-1,974
Acquisition management	12,506	11,654	10,500	-2,006
Inholdings	3,974	4,000	2,000	-1,974
Total, National Park Service	73,984	78,623	47,350	-26,634
Total, Land Acquisition and State Assistance	171,348	238,634	142,350	-28,998
TOTAL, NATIONAL PARK SERVICE	2,239,430	2,361,873	2,292,194	+52,764
Appropriations	(2,269,430)	(2,391,873)	(2,322,194)	(+52,764)
Rescission	(-30,000)	(-30,000)	(-30,000)	---
UNITED STATES GEOLOGICAL SURVEY				
Surveys, Investigations, and Research				
Mapping, Remote Sensing, and Geographic Investigations				
Cooperative topographic mapping	81,120	74,108	81,497	+377
Land remote sensing	35,711	34,039	34,039	-1,672
Geographic analysis and monitoring	16,374	12,335	15,355	-1,019
Subtotal, National Mapping Program	133,205	120,482	130,891	-2,314
Geologic Hazards, Resource and Processes				
Geologic hazards assessments	74,990	72,776	75,967	+977
Geologic landscape and coastal assessments	78,698	79,430	79,074	+376
Geologic resource assessments	79,479	69,369	81,213	+1,734
Subtotal, Geologic Hazards, Resource & Processes	233,167	221,575	236,254	+3,087
Water Resources Investigations				
Hydrologic monitoring, assessments and research				
Ground water resources program	5,410	6,529	6,029	+619
National water quality assessment	63,217	63,818	63,818	+601
Toxic substances hydrology	13,437	11,065	15,034	+1,597
Hydrologic research and development	15,386	13,723	17,273	+1,887
National streamflow information program	14,217	14,356	14,356	+139
Hydrologic networks and analysis	25,088	26,069	30,106	+5,018
Subtotal, Hydrologic monitoring, assessments and research	136,755	135,560	146,616	+9,861
Federal-State program	64,433	64,536	64,536	+103
Water resources research institutes	5,963	---	6,500	+537
Subtotal, Water Resources Investigations	207,151	200,096	217,652	+10,501
Biological Research				
Biological research and monitoring	132,133	134,036	136,313	+4,180
Biological information management and delivery	22,787	20,700	24,897	+2,110
Cooperative research units	14,896	14,139	14,889	-7
Subtotal, Biological Research	169,816	168,875	176,099	+6,283
Science support	85,177	91,529	91,629	+6,452
Facilities	90,756	92,948	94,148	+3,392
Streamlining add-back	---	---	3,013	+3,013
TOTAL, UNITED STATES GEOLOGICAL SURVEY	919,272	895,505	949,686	+30,414
MINERALS MANAGEMENT SERVICE				
Royalty and Offshore Minerals Management				
OCS Lands				
Leasing and environmental program	37,521	37,245	37,245	-276
Resource evaluation	26,831	25,708	26,808	-23
Regulatory program	50,774	50,402	50,402	-372
Information management program	22,991	25,851	25,851	+2,860
Subtotal, OCS Lands	138,117	139,206	140,306	+2,189

DEPARTMENT OF INTERIOR AND RELATED AGENCIES (Amounts in thousands)
(Conference amounts exclude 0.646% across-the-board cut)

	FY 2003 Enacted	FY 2004 Request	Conference	Conference vs. Enacted
Royalty Management				
Compliance and asset management	48,493	46,264	46,264	-2,229
Revenue and operations	34,407	34,117	34,117	-290
Indian allottee refunds	15	15	15	---
Subtotal, Royalty Management	82,915	80,396	80,396	-2,519
General Administration				
Executive direction	2,023	2,062	2,062	+39
Policy and management improvement	4,075	4,150	4,150	+75
Administrative operations	16,540	16,827	16,827	+287
General support services	20,807	21,805	21,805	+998
Subtotal, General Administration	43,445	44,844	44,844	+1,399
Subtotal (gross)	264,477	264,446	265,546	+1,069
Use of receipts	-100,230	-100,230	-100,230	---
Total, Royalty and Offshore Minerals Management	164,247	164,216	165,316	+1,069
Oil Spill Research				
Oil spill research	6,065	7,105	7,105	+1,040
TOTAL, MINERALS MANAGEMENT SERVICE	170,312	171,321	172,421	+2,109
OFFICE OF SURFACE MINING RECLAMATION AND ENFORCEMENT				
Regulation and Technology				
Environmental restoration	161	163	163	+2
Environmental protection	78,644	79,463	79,463	+819
Technology development and transfer	12,511	12,749	12,749	+238
Financial management	482	491	491	+9
Executive direction	12,610	13,558	13,558	+948
Subtotal, Regulation and Technology	104,408	106,424	106,424	+2,016
Civil penalties	273	275	275	+2
Total, Regulation and Technology	104,681	106,699	106,699	+2,018
Abandoned Mine Reclamation Fund				
Environmental restoration	173,561	157,137	175,637	+2,076
Technology development and transfer	4,137	4,184	4,184	+47
Financial management	6,139	6,260	6,260	+121
Executive direction	6,661	6,888	6,888	+227
Total, Abandoned Mine Reclamation Fund	190,498	174,469	192,969	+2,471
TOTAL, OFFICE OF SURFACE MINING RECLAMATION AND ENFORCEMENT	295,179	281,168	299,668	+4,489
BUREAU OF INDIAN AFFAIRS				
Operation of Indian Programs				
Tribal Budget System				
Tribal Priority Allocations				
Tribal government	386,421	390,494	392,054	+5,633
Human services	149,970	148,588	149,588	-382
Education	49,839	49,991	49,991	+152
Public safety and justice	1,373	1,244	1,244	-129
Community development	40,461	40,467	40,467	+6
Resources management	61,117	63,029	63,029	+1,912
Trust services	58,004	58,373	58,373	+369
General administration	25,296	25,503	25,503	+207
Subtotal, Tribal Priority Allocations	772,481	777,689	780,249	+7,768

DEPARTMENT OF INTERIOR AND RELATED AGENCIES (Amounts in thousands)
(Conference amounts exclude 0.646% across-the-board cut)

	FY 2003 Enacted	FY 2004 Request	Conference	Conference vs. Enacted
Other Recurring Programs				
Education				
School operations				
Forward-funded	445,073	458,524	458,524	+13,451
Other school operations	67,489	69,991	69,991	+2,502
Subtotal, School operations	512,562	528,515	528,515	+15,953
Continuing education	42,838	39,206	49,206	+6,368
Subtotal, Education	555,400	567,721	577,721	+22,321
Resources management	42,324	34,342	44,076	+1,752
Subtotal, Other Recurring Programs	597,724	602,063	621,797	+24,073
Non-Recurring Programs				
Community development	2,235	---	2,500	+265
Resources management	32,850	36,287	36,437	+3,587
Trust services	37,400	37,256	37,648	+248
Subtotal, Non-Recurring Programs	72,485	73,543	76,585	+4,100
Total, Tribal Budget System	1,442,690	1,453,295	1,478,631	+35,941
BIA Operations				
Central Office Operations				
Tribal government	3,133	2,653	2,903	-230
Human services	901	907	907	+6
Community development	869	875	875	+6
Resources management	3,465	3,488	3,488	+23
Trust services	8,766	5,317	5,317	-3,449
General administration				
Education program management	2,393	2,413	2,413	+20
Education personnel services	2,116	2,134	2,134	+18
Other general administration	47,936	81,574	71,574	+23,638
Subtotal, General administration	52,445	86,121	76,121	+23,676
Subtotal, Central Office Operations	69,579	99,361	89,611	+20,032
Regional Office Operations				
Tribal government	1,327	1,345	1,345	+18
Human services	3,141	3,192	3,192	+51
Community development	847	857	857	+10
Resources management	5,414	5,474	5,474	+60
Trust services	24,225	24,435	24,435	+210
General administration	28,851	29,178	29,178	+327
Subtotal, Regional Office Operations	63,805	64,481	64,481	+676
Special Programs and Pooled Overhead				
Education	16,366	16,254	16,579	+213
Public safety and justice	162,306	171,147	174,647	+12,341
Community development	8,576	1,061	8,232	-344
Resources management	1,299	1,306	1,306	+7
General administration	80,625	82,830	82,830	+2,205
Subtotal, Special Programs and Pooled Overhead	269,172	272,598	283,594	+14,422
Total, BIA Operations	402,556	436,440	437,686	+35,130
Total, Operation of Indian Programs	1,845,246	1,889,735	1,916,317	+71,071
BIA SPLITS				
Natural resources	(146,469)	(143,926)	(153,810)	(+7,341)
Forward-funding	(445,073)	(458,524)	(458,524)	(+13,451)
Education	(181,041)	(179,989)	(190,314)	(+9,273)
Community development	(1,072,663)	(1,107,296)	(1,113,669)	(+41,006)
Total, BIA splits	(1,845,246)	(1,889,735)	(1,916,317)	(+71,071)

DEPARTMENT OF INTERIOR AND RELATED AGENCIES (Amounts in thousands)
(Conference amounts exclude 0.646% across-the-board cut)

	FY 2003 Enacted	FY 2004 Request	Conference	Conference vs. Enacted
Construction				
Education	293,795	292,634	298,634	+4,839
Public safety and justice	5,013	5,044	5,044	+31
Resources management	38,918	39,162	39,162	+244
General administration	2,168	2,181	2,181	+13
Construction management	6,094	6,133	6,133	+39
Total, Construction	345,988	345,154	351,154	+5,166
Indian Land and Water Claim Settlements and Miscellaneous Payments to Indians				
White Earth Land Settlement Act (Admin)	621	625	629	+8
Hoopa-Yurok settlement fund	248	250	252	+4
Pyramid Lake water rights settlement	141	142	143	+2
Ute Indian water rights settlement	24,567	22,494	21,467	-3,100
Rocky Boy's	5,035	---	33	-5,002
Shivwits Band Settlement	18,876	---	123	-18,753
Santo Domingo Pueblo Settlement	3,116	9,864	9,884	+6,768
Colorado Ute Settlement	7,948	8,000	8,052	+104
Cherokee, Choctaw, and Chickasaw settlement	---	10,000	10,000	+10,000
Quinault Settlement	---	---	9,968	+9,968
Transfer from '03 FWS land acquisition	---	---	-4,968	-4,968
Total, Miscellaneous Payments to Indians	60,552	51,375	55,583	-4,969
Indian Guaranteed Loan Program Account				
Indian guaranteed loan program account	5,457	6,497	6,497	+1,040
TOTAL, BUREAU OF INDIAN AFFAIRS	2,257,243	2,292,761	2,329,551	+72,308
DEPARTMENTAL OFFICES				
Insular Affairs				
Assistance to Territories				
Territorial Assistance				
Office of Insular Affairs	5,261	6,321	6,321	+1,060
Technical assistance	13,374	7,561	12,561	-813
Maintenance assistance fund	2,285	2,300	2,300	+15
Brown tree snake	2,335	2,350	2,350	+15
Insular management controls	1,481	1,491	1,491	+10
Coral reef initiative	497	500	500	+3
Subtotal, Territorial Assistance	25,233	20,523	25,523	+290
American Samoa				
Operations grants	22,950	23,100	23,100	+150
Northern Marianas				
Covenant grants	27,720	27,720	27,720	---
Total, Assistance to Territories	75,903	71,343	76,343	+440
Compact of Free Association				
Compact of Free Association - Federal services	7,306	2,734	2,734	-4,572
Mandatory payments - program grant assistance	12,000	12,000	2,000	-10,000
Enewetak support	1,620	1,391	1,700	+80
Total, Compact of Free Association	20,926	16,125	6,434	-14,492
Total, Insular Affairs	96,829	87,468	82,777	-14,052
Departmental Management				
Departmental direction	13,318	13,524	13,524	+206
Management and coordination	26,283	30,322	28,917	+2,634
Hearings and appeals	8,145	8,280	8,080	-65
Central services	23,375	27,070	27,070	+3,695
Bureau of Mines workers compensation/unemployment	836	4,108	842	+6
Financial management system migration project	---	13,836	---	---
Public lands volunteers	---	---	500	+500

DEPARTMENT OF INTERIOR AND RELATED AGENCIES (Amounts in thousands)
(Conference amounts exclude 0.646% across-the-board cut)

	FY 2003 Enacted	FY 2004 Request	Conference	Conference vs. Enacted
Foreign currency account	---	---	-1,400	-1,400
Total, Departmental Management	71,957	97,140	77,533	+5,576
Working Capital Fund				
Working capital fund (cancellation)	---	---	-20,000	-20,000
Financial management system migration project	---	---	11,700	+11,700
Subtotal, Working Capital fund	---	---	-8,300	-8,300
Payments in Lieu of Taxes				
Payments to local governments	218,570	200,000	227,500	+8,930
Office of the Solicitor				
Legal services	38,182	39,911	39,911	+1,729
General administration	9,280	9,418	9,418	+138
Ethics	---	1,045	1,045	+1,045
Total, Office of the Solicitor	47,462	50,374	50,374	+2,912
Office of Inspector General				
Audit	19,453	16,480	16,390	-3,063
Contracted CFO Audits	---	3,812	3,812	+3,812
Investigations	7,166	8,176	8,076	+910
Program integrity	1,478	2,155	1,855	+377
Policy and management	7,906	8,426	8,616	+710
Total, Office of Inspector General	36,003	39,049	38,749	+2,746
Office of Special Trustee for American Indians				
Federal Trust Programs				
Program operations, support, and improvements	137,845	273,347	187,366	+49,521
Executive direction	2,514	1,294	2,275	-239
Total, Federal Trust programs	140,359	274,641	189,641	+49,282
Indian Land Consolidation Program				
Indian land consolidation	7,928	20,980	21,980	+14,052
Total, Office of Special Trustee for American Indians	148,287	295,621	211,621	+63,334
Natural Resource Damage Assessment Fund				
Damage assessments	3,901	3,933	3,933	+32
Program management	1,352	1,450	1,450	+98
Restoration support	248	250	250	+2
Total, Natural Resource Damage Assessment Fund	5,501	5,633	5,633	+132
TOTAL, DEPARTMENTAL OFFICES	624,609	775,285	685,887	+61,278
TOTAL, TITLE I, DEPARTMENT OF THE INTERIOR	9,632,471	9,763,661	9,863,746	+231,275
Appropriations	(9,712,471)	(9,793,661)	(9,794,746)	(+82,275)
Emergency appropriations	---	---	(99,000)	(+99,000)
Rescission	(-80,000)	(-30,000)	(-30,000)	(+50,000)
TITLE II - RELATED AGENCIES				
DEPARTMENT OF AGRICULTURE				
FOREST SERVICE				
Forest and Rangeland Research				
Forest and rangeland research	250,049	252,170	269,710	+19,661

DEPARTMENT OF INTERIOR AND RELATED AGENCIES (Amounts in thousands)
(Conference amounts exclude 0.646% across-the-board cut)

	FY 2003 Enacted	FY 2004 Request	Conference	Conference vs. Enacted
State and Private Forestry				
Forest Health Management				
Federal lands forest health management	50,047	44,963	54,500	+4,453
Cooperative lands forest health management	30,836	25,088	45,300	+14,464
Emerging pest and pathogens fund	---	11,968	---	---
Subtotal, Forest Health Management	80,883	82,019	99,800	+18,917
Cooperative Fire Assistance				
State fire assistance	25,486	25,385	33,800	+8,314
Volunteer fire assistance	5,007	5,043	5,100	+93
Subtotal, Cooperative Fire Assistance	30,493	30,428	38,900	+8,407
Cooperative Forestry				
Forest stewardship	32,012	65,609	32,282	+270
Forest Legacy	68,380	90,809	64,934	-3,446
Urban and Community Forestry	35,999	37,893	35,299	-700
Economic action programs	26,268	---	25,925	-343
Forest resource information and analysis	4,964	4,006	5,000	+36
Subtotal, Cooperative Forestry	167,623	198,317	163,440	-4,183
International program	5,713	5,059	6,000	+287
Total, State and Private Forestry	284,712	315,823	308,140	+23,428
National Forest System				
Land management planning	71,726	70,868	70,868	-858
Inventory and monitoring	174,216	177,796	171,776	-2,440
Recreation, heritage and wilderness	252,542	254,941	258,232	+5,690
Wildlife and fish habitat management	132,936	134,794	137,375	+4,439
Grazing management	40,584	43,180	46,471	+5,887
Forest products	263,628	268,019	268,319	+4,691
Vegetation and watershed management	189,703	192,606	196,106	+6,403
Minerals and geology management	52,293	54,065	54,065	+1,772
Landownership management	92,411	91,692	92,692	+281
Law enforcement operations	80,275	80,628	83,862	+3,587
Valles Caldera National Preserve	3,130	984	3,150	+20
Total, National Forest System	1,353,444	1,369,573	1,382,916	+29,472
Wildland Fire Management				
Preparedness	677,996	609,747	680,000	+2,004
Fire suppression operations	351,964	604,580	604,580	+252,616
Supplemental appropriations (P.L. 108-83)	283,000	---	---	-283,000
Borrowing repayment (emergency appropriations)	---	---	301,000	+301,000
Other operations	341,008	327,448	358,632	+17,624
Other appropriations (P.L. 108-7)	636,000	---	---	-636,000
Total, Wildland Fire Management	2,289,968	1,541,775	1,944,212	-345,756
Capital Improvement and Maintenance				
Facilities	202,312	200,876	217,040	+14,728
Roads	231,344	245,358	237,464	+6,120
Trails	69,226	78,337	75,650	+6,424
Infrastructure improvement	45,568	---	32,000	-13,568
Total, Capital Improvement and Maintenance	548,450	524,571	562,154	+13,704
Land Acquisition				
Forest Service				
Acquisitions	113,572	25,756	50,191	-63,381
Acquisition management	14,902	16,374	15,000	+98
Cash equalization	1,490	---	500	-990
Critical inholdings/wilderness protection	2,981	2,000	1,500	-1,481
Total, Land Acquisition	132,945	44,130	67,191	-65,754
Acquisition of lands for national forests, special acts	1,062	1,069	1,069	+7
Acquisition of lands to complete land exchanges	232	234	234	+2
Range betterment fund	3,380	3,000	3,000	-380

DEPARTMENT OF INTERIOR AND RELATED AGENCIES (Amounts in thousands)
(Conference amounts exclude 0.646% across-the-board cut)

	FY 2003 Enacted	FY 2004 Request	Conference	Conference vs. Enacted
Gifts, donations and bequests for forest and rangeland research	91	92	92	+1
Management of national forest lands for subsistence uses	5,506	5,535	5,535	+29
TOTAL, FOREST SERVICE	4,869,839	4,057,972	4,544,253	-325,586
DEPARTMENT OF ENERGY				
Clean Coal Technology				
Deferral	-87,000	---	-97,000	-10,000
Rescission	---	---	-88,000	-88,000
Total, Clean Coal Technology	-87,000	---	-185,000	-98,000
Fossil Energy Research and Development				
Clean coal power initiative	149,025	130,000	172,000	+22,975
FutureGen	---	---	9,000	+9,000
Fuels and Power Systems				
Central Systems				
Innovations for existing plants	22,056	22,000	22,000	-56
Advanced Systems				
Integrated gasification combined cycle	44,360	51,000	51,000	+6,640
Combustion systems including hybrid	10,332	---	5,000	-5,332
Turbines	16,889	13,000	13,000	-3,889
Subtotal, Advanced Systems	71,581	64,000	69,000	-2,581
Subtotal, Central Systems	93,637	86,000	91,000	-2,637
Sequestration R&D				
Greenhouse gas control	39,939	62,000	40,800	+861
Fuels				
Transportation fuels and chemicals	21,956	5,000	22,200	+244
Solid fuels and feedstocks	5,961	---	6,060	+99
Advanced fuels research	3,279	---	3,350	+71
Subtotal, Fuels	31,196	5,000	31,610	+414
Advanced Research				
Coal utilization science	8,941	9,000	12,000	+3,059
Materials	8,941	12,000	11,250	+2,309
Technology crosscut	11,078	9,500	11,467	+389
University coal research	2,981	5,000	2,981	---
HBCUs, education and training	993	2,000	993	---
Subtotal, Advanced Research	32,934	37,500	38,691	+5,757
Distributed Generation Systems - Fuel Cells				
Advanced research	3,477	10,000	10,000	+6,523
Systems development	9,935	6,000	11,000	+1,065
Vision 21-hybrids	13,412	5,000	13,000	-412
Innovative concepts	33,779	23,500	35,500	+1,721
Novel generation	3,005	2,500	2,500	-505
Subtotal, Distributed Generation Systems - Fuel Cells	63,608	47,000	72,000	+8,392
U.S./China Energy and Environmental Center	---	---	1,000	+1,000
Subtotal, Fuels and Power Systems	261,314	237,500	275,101	+13,787
Gas				
Natural Gas Technologies				
Exploration and production	23,298	14,000	22,480	-818
Gas hydrates	9,438	3,500	9,500	+62
Infrastructure	8,991	---	9,050	+59
Emerging processing technology applications	2,663	6,555	---	-2,663
Effective environmental protection	2,623	2,500	2,500	-123
Subtotal, Gas	47,013	26,555	43,530	-3,483

DEPARTMENT OF INTERIOR AND RELATED AGENCIES (Amounts in thousands)
(Conference amounts exclude 0.646% across-the-board cut)

	FY 2003 Enacted	FY 2004 Request	Conference	Conference vs. Enacted
Petroleum - Oil Technology				
Exploration and production supporting research	23,248	2,000	18,680	-4,568
Reservoir life extension/management	8,941	5,000	7,000	-1,941
Effective environmental protection	9,836	8,000	9,836	---
Subtotal, Petroleum - Oil Technology	42,025	15,000	35,516	-6,509
Cooperative R&D	8,186	6,000	8,500	+314
Fossil energy environmental restoration	9,652	9,715	9,715	+63
Import/export authorization	2,981	2,750	2,750	-231
Headquarters program direction	18,777	22,700	22,466	+3,689
Energy Technology Center program direction	68,452	70,085	70,085	+1,633
Clean coal program direction	---	---	15,000	+15,000
General plant projects	6,954	3,000	7,000	+46
Advanced metallurgical processes	5,961	10,000	10,000	+4,039
Use of prior year balances	---	-14,000	---	---
Transfer from SPR petroleum account	---	-5,000	---	---
National Academy of Sciences program review	497	---	500	+3
Total, Fossil Energy Research and Development	620,837	514,305	681,163	+60,326
Naval Petroleum and Oil Shale Reserves				
Oil Reserves				
Production and operations	---	9,101	9,820	+9,820
Management	---	7,399	8,399	+8,399
Naval petroleum reserves Nos. 1 & 2	5,391	---	---	-5,391
Naval petroleum reserve No. 3	6,805	---	---	-6,805
Program direction (headquarters)	5,519	---	---	-5,519
Total, Naval Petroleum and Oil Shale Reserves	17,715	16,500	18,219	+504
Elk Hills School Lands Fund				
Elk Hills school lands fund	---	36,000	---	---
Advance appropriations	36,000	---	36,000	---
Total, Elk Hills School Lands Fund	36,000	36,000	36,000	---
Energy Conservation				
Vehicle technologies	---	157,623	180,223	+180,223
Fuel cell technologies	---	77,500	66,000	+66,000
Weatherization and intergovernmental activities				
Weatherization assistance grants	---	288,200	230,000	+230,000
State energy program grants	---	38,798	44,500	+44,500
State energy activities	---	2,353	2,353	+2,353
Gateway deployment	---	27,609	35,609	+35,609
Total, Weatherization and intergovernmental acivities	---	356,960	312,462	+312,462
Distributed energy resources	---	51,784	61,784	+61,784
Building technologies	---	52,563	60,613	+60,613
Industrial technologies	---	64,429	94,229	+94,229
Biomass and biorefinery systems R&D	---	8,808	7,600	+7,600
Federal energy management program	---	19,962	19,962	+19,962
National climate change technology initiative	---	9,500	---	---
Program management	---	76,664	86,064	+86,064
Building Technology, State and Community Sector				
Building research and standards				
Technology roadmaps and competitive R&D	2,342	---	---	-2,342
Residential buildings integration	12,397	---	---	-12,397
Commercial buildings integration	4,481	---	---	-4,481
Equipment, materials and tools	40,155	---	---	-40,155
Subtotal, Building research and standards	59,375	---	---	-59,375
Building Technology Assistance				
Weatherization assistance	223,537	---	---	-223,537
State energy program	44,708	---	---	-44,708
Community partnerships	17,920	---	---	-17,920
Energy star program	4,173	---	---	-4,173
Subtotal, Building technology assistance	290,338	---	---	-290,338

DEPARTMENT OF INTERIOR AND RELATED AGENCIES (Amounts in thousands)
(Conference amounts exclude 0.646% across-the-board cut)

	FY 2003 Enacted	FY 2004 Request	Conference	Conference vs. Enacted
Management and planning	14,001	---	---	-14,001
Subtotal, Building Technology, State and Community Sector	363,714	---	---	-363,714
Federal Energy Management Program				
Program activities	19,299	---	---	-19,299
Program direction	4,426	---	---	-4,426
Subtotal, Federal Energy Management Program	23,725	---	---	-23,725
Industry Sector				
Industries of the future (specific)	71,646	---	---	-71,646
Industries of the future (crosscutting)	58,228	---	---	-58,228
Management and planning	7,585	---	---	-7,585
Subtotal, Industry Sector	137,459	---	---	-137,459
Power Technologies				
Distributed generation technologies development	68,585	---	---	-68,585
Management and planning	1,609	---	---	-1,609
Subtotal, Power Technologies	70,194	---	---	-70,194
Transportation				
Vehicle technology R&D	163,212	---	---	-163,212
Fuels utilization R&D	20,052	---	---	-20,052
Materials technologies	37,157	---	---	-37,157
Technology deployment	15,995	---	---	-15,995
Management and planning	10,035	---	---	-10,035
Subtotal, Transportation	246,451	---	---	-246,451
Policy and management	41,780	---	---	-41,780
National Academy of Sciences program review	497	---	---	-497
Cooperative programs with States	2,981	---	---	-2,981
Energy efficiency science initiative	4,968	---	---	-4,968
Total, Energy Conservation	891,769	875,793	888,937	-2,832
Economic Regulation				
Office of Hearings and Appeals	1,477	1,047	1,047	-430
Strategic Petroleum Reserve				
Storage facilities development and operations	157,823	158,979	156,979	-844
Management	13,909	16,102	16,102	+2,193
Total, Strategic Petroleum Reserve	171,732	175,081	173,081	+1,349
SPR Petroleum Account				
Oil acquisition	6,954	---	---	-6,954
Rescission of previously appropriated funds	-5,000	---	---	+5,000
Transfer to Fossil energy research and develpment	---	(-5,000)	---	---
Total, SPR petroleum account	1,954	---	---	-1,954
Northeast Home Heating Oil Reserve				
Northeast home heating oil reserve	5,961	5,000	5,000	-961
Energy Information Administration				
National Energy Information System	80,087	80,111	82,111	+2,024
TOTAL, DEPARTMENT OF ENERGY	1,740,532	1,703,837	1,700,558	-39,974

DEPARTMENT OF INTERIOR AND RELATED AGENCIES (Amounts in thousands)
(Conference amounts exclude 0.646% across-the-board cut)

	FY 2003 Enacted	FY 2004 Request	Conference	Conference vs. Enacted
DEPARTMENT OF HEALTH AND HUMAN SERVICES				
INDIAN HEALTH SERVICE				
Indian Health Services				
Clinical Services				
IHS and tribal health delivery				
Hospital and health clinic programs	1,211,988	1,194,600	1,265,373	+53,385
Dental health program	99,633	105,566	105,817	+6,184
Mental health program	50,297	53,959	53,959	+3,662
Alcohol and substance abuse program	136,849	139,975	139,975	+3,126
Contract care	475,022	493,046	485,046	+10,024
Subtotal, Clinical Services	1,973,789	1,987,146	2,050,170	+76,381
Preventive Health				
Public health nursing	39,616	43,112	43,112	+3,496
Health education	10,991	11,940	11,940	+949
Community health representatives program	50,444	51,633	51,633	+1,189
Immunization (Alaska)	1,546	1,580	1,580	+34
Subtotal, Preventive Health	102,597	108,265	108,265	+5,668
Urban health projects	31,323	31,568	32,014	+691
Indian health professions	31,114	35,417	31,158	+44
Tribal management	2,390	2,406	2,406	+16
Direct operations	60,176	56,607	61,471	+1,295
Self-governance	5,553	10,250	5,714	+161
Contract support costs	268,974	270,734	270,734	+1,760
Medicare/Medicaid Reimbursements				
Hospital and clinic accreditation (Est. collecting)	(449,985)	(567,620)	(567,620)	(+117,635)
Total, Indian Health Services	2,475,916	2,502,393	2,561,932	+86,016
Indian Health Facilities				
Maintenance and improvement	49,507	47,331	49,507	---
Sanitation facilities	93,217	114,175	94,175	+958
Construction facilities	81,585	69,947	95,734	+14,149
Facilities and environmental health support	132,254	139,522	139,522	+7,268
Equipment	17,182	16,294	17,294	+112
Total, Indian Health Facilities	373,745	387,269	396,232	+22,487
TOTAL, INDIAN HEALTH SERVICE	2,849,661	2,889,662	2,958,164	+108,503
OTHER RELATED AGENCIES				
OFFICE OF NAVAJO AND HOPI INDIAN RELOCATION				
Salaries and expenses	14,397	13,532	13,532	-865
INSTITUTE OF AMERICAN INDIAN AND ALASKA NATIVE CULTURE AND ARTS DEVELOPMENT				
Payment to the Institute	5,454	5,250	6,250	+796
SMITHSONIAN INSTITUTION				
Salaries and Expenses				
Museum and Research Institutes				
Anacostia Museum and Center for African American History and Culture	1,968	1,907	1,907	-61
Archives of American Art	1,790	1,849	1,849	+59
Arthur M. Sackler Gallery/Freer Gallery of Art	6,128	5,790	5,790	-338
Center for Folklife and Cultural Heritage	1,899	1,954	1,954	+55
Cooper-Hewitt, National Design Museum	3,030	3,126	3,126	+96
Hirshhorn Museum and Sculpture Garden	4,693	4,150	4,150	-543
National Air and Space Museum	20,269	21,498	21,498	+1,229
National Museum of African Art	4,435	4,566	4,566	+131
National Museum of American Art	8,273	7,739	7,739	-534
National Museum of American History	22,209	20,434	20,434	-1,775
National Museum of the American Indian	33,397	38,610	38,610	+5,213
National Museum of Natural History	44,690	43,319	43,319	-1,371
National Portrait Gallery	5,514	4,986	4,986	-528
National Zoological Park	24,515	18,323	18,723	-5,792

DEPARTMENT OF INTERIOR AND RELATED AGENCIES (Amounts in thousands)
(Conference amounts exclude 0.646% across-the-board cut)

	FY 2003 Enacted	FY 2004 Request	Conference	Conference vs. Enacted
Astrophysical Observatory	20,984	21,801	21,801	+817
Center for Materials Research and Education	3,438	3,542	3,542	+104
Environmental Research Center	3,487	2,912	2,912	-575
Tropical Research Institute	11,454	11,280	11,280	-174
Subtoal, Museums and Research Institutes	222,173	217,786	218,186	-3,987
Program Support and Outreach				
Outreach	8,329	9,393	9,393	+1,064
Communications	1,347	1,386	1,386	+39
Institution-wide programs	5,967	6,195	6,195	+228
Office of Exhibits Central	2,571	2,659	2,659	+88
Major scientific instrumentation	4,968	5,000	5,000	+32
Museum Support Center	2,453	1,678	1,678	-775
Smithsonian Institution Archives	1,663	1,664	1,664	+1
Smithsonian Institution Libraries	8,433	8,813	8,813	+380
Subtotal, Program Support and Outreach	35,731	36,788	36,788	+1,057
Administration	53,625	64,687	64,687	+11,062
Facilities Services				
Office of Protection Services	58,293	---	---	-58,293
Office of Physical Plant	90,374	---	---	-90,374
Facilities maintenance	---	40,615	40,615	+40,615
Facilities operations, security and support	---	141,821	141,821	+141,821
Subtotal, Facilities Services	148,667	182,436	182,436	+33,769
Offsetting reduction, FY 2003	---	-12,795	---	---
Offsetting reduction, FY 2004	---	-12,349	-7,349	-7,349
Rescission of prior year unobligated funds	-14,100	---	---	+14,100
Total, Salaries and Expenses	446,096	476,553	494,748	+48,652
Repair, Restoration and Alteration of Facilities				
Base program	82,883	---	---	-82,883
Construction				
National Museum of the American Indian	15,896	---	---	-15,896
Facilities Capital				
Revitalization	---	71,670	90,670	+90,670
Construction	---	10,000	10,000	+10,000
Facilities planning and design	---	8,300	8,300	+8,300
Total, Facilities capital	---	89,970	108,970	+108,970
TOTAL, SMITHSONIAN INSTITUTION	544,875	566,523	603,718	+58,843
NATIONAL GALLERY OF ART				
Salaries and Expenses				
Care and utilization of art collections	27,739	29,927	29,927	+2,188
Operation and maintenance of buildings and grounds	16,599	21,757	20,757	+4,158
Protection of buildings, grounds and contents	17,729	19,717	19,717	+1,988
General administration	14,650	17,448	17,448	+2,798
Total, Salaries and Expenses	76,717	88,849	87,849	+11,132
Repair, Restoration and Renovation of Buildings				
Base program	16,125	11,600	11,600	-4,525
TOTAL, NATIONAL GALLERY OF ART	92,842	100,449	99,449	+6,607
JOHN F. KENNEDY CENTER FOR THE PERFORMING ARTS				
Operations and maintenance	16,204	16,560	16,560	+356
Construction	17,486	16,000	16,000	-1,486
TOTAL, JOHN F. KENNEDY CENTER FOR THE PERFORMING ARTS	33,690	32,560	32,560	-1,130

DEPARTMENT OF INTERIOR AND RELATED AGENCIES (Amounts in thousands)
(Conference amounts exclude 0.646% across-the-board cut)

	FY 2003 Enacted	FY 2004 Request	Conference	Conference vs. Enacted
WOODROW WILSON INTERNATIONAL CENTER FOR SCHOLARS				
Salaries and Expenses				
Fellowship program	1,251	1,331	1,331	+80
Scholar support	655	647	647	-8
Public service	2,246	2,319	2,319	+73
General administration	1,955	1,897	1,897	-58
Smithsonian fee	207	284	284	+77
Conference planning	1,955	1,961	1,961	+6
Space	164	165	165	+1
TOTAL, WOODROW WILSON CENTER	8,433	8,604	8,604	+171
NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES				
National Endowment for the Arts				
Grants and Administration				
Grants				
Direct grants	46,964	47,121	47,121	+157
Challenge America grants	16,889	10,200	13,200	-3,689
State partnerships				
State and regional	24,641	24,723	24,723	+82
Underserved set-aside	6,668	6,691	6,691	+23
Challenge America grants	---	6,800	8,800	+8,800
Subtotal, State partnerships	31,309	38,214	40,214	+8,905
Subtotal, Grants	95,162	95,535	100,535	+5,373
Program support	1,296	1,304	1,304	+8
Administration	19,274	20,641	20,641	+1,367
Total, Arts	115,732	117,480	122,480	+6,748
National Endowment for the Humanities				
Grants and Administration				
Grants				
Federal/State partnership	31,622	31,829	31,829	+207
Preservation and access	18,782	18,905	18,905	+123
Public programs	13,029	13,114	13,114	+85
Research programs	12,978	13,063	13,063	+85
Education programs	12,542	12,624	12,624	+82
Program development	394	397	397	+3
We The People Initiative grants	---	23,000	10,000	+10,000
Subtotal, Grants	89,347	112,932	99,932	+10,585
Administrative Areas				
Administration	19,572	20,946	20,946	+1,374
We The People Initiative administration	---	2,000	---	---
Total, Grants and Administration	108,919	135,878	120,878	+11,959
Matching Grants				
Treasury funds	5,649	5,686	5,686	+37
Challenge grants	10,368	10,436	10,436	+68
Total, Matching Grants	16,017	16,122	16,122	+105
Total, Humanities	124,936	152,000	137,000	+12,064
TOTAL, NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES	240,668	269,480	259,480	+18,812
COMMISSION OF FINE ARTS				
Salaries and expenses	1,216	1,422	1,422	+206

DEPARTMENT OF INTERIOR AND RELATED AGENCIES (Amounts in thousands)
(Conference amounts exclude 0.646% across-the-board cut)

	FY 2003 Enacted	FY 2004 Request	Conference	Conference vs. Enacted
NATIONAL CAPITAL ARTS AND CULTURAL AFFAIRS				
Grants	6,954	5,000	7,000	+46
ADVISORY COUNCIL ON HISTORIC PRESERVATION				
Salaries and expenses	3,643	4,100	4,000	+357
NATIONAL CAPITAL PLANNING COMMISSION				
Salaries and expenses	7,206	8,230	7,730	+524
UNITED STATES HOLOCAUST MEMORIAL MUSEUM				
Holocaust Memorial Museum	38,412	39,997	39,997	+1,585
PRESIDIO TRUST				
Operations	21,188	20,700	20,700	-488
TOTAL, TITLE II, RELATED AGENCIES	10,479,010	9,727,318	10,307,417	-171,593
Appropriations	(10,549,110)	(9,727,318)	(10,155,417)	(-393,693)
Emergency appropriations	---	---	(301,000)	(+301,000)
Advance appropriations	(36,000)	---	(36,000)	---
Rescission	(-19,100)	---	(-88,000)	(-68,900)
Deferrals	(-87,000)	---	(-97,000)	(-10,000)
TITLE IV - WILDLAND FIRE SUPPLEMENTAL				
DEPARTMENT OF THE INTERIOR				
BUREAU OF LAND MANAGEMENT				
Wildland fire management (contingent emergency appropriation)	---	99,000	---	---
DEPARTMENT OF AGRICULTURE				
FOREST SERVICE				
Wildland fire management (contingent emergency appropriation)	---	301,000	---	---
TOTAL, TITLE IV, WILDLAND FIRE SUPPLEMENTAL	---	400,000	---	---
GRAND TOTAL, ALL TITLES	20,111,481	19,890,979	20,171,163	+59,682

CONFERENCE TOTAL—WITH COMPARISONS

The total new budget (obligational) authority for the fiscal year 2004 recommended by the Committee of Conference, with comparisons to the fiscal year 2003 amount, the 2004 budget estimates, and the House and Senate bills for 2004 follow:

[In thousands of dollars]

New budget (obligational) authority, fiscal year 2003	$20,111,481
Budget estimates of new (obligational) authority, fiscal year 2004	19,890,979
House bill, fiscal year 2004	19,601,125
Senate bill, fiscal year 2004	20,012,291
Conference agreement, fiscal year 2004[1]	20,171,163
Conference agreement compared with:	
New budget (obligational) authority, fiscal year 2003	+59,682
Budget estimates of new (obligational) authority, fiscal year 2004	+280,184
House bill, fiscal year 2004	+570,038
Senate bill, fiscal year 2004	+158,872

[1] Conference agreement excludes 0.646% across-the-board cut.

CHARLES H. TAYLOR,
BILL YOUNG,
RALPH REGULA,
JIM KOLBE,
GEORGE R. NETHERCUTT, Jr.,
ZACH WAMP,
JOHN E. PETERSON,
DON SHERWOOD,
ANDER CRENSHAW,
NORMAN D. DICKS,
JOHN P. MURTHA,
JAMES P. MORAN,
JOHN W. OLVER,
Managers on the Part of the House.

CONRAD BURNS,
TED STEVENS,
THAD COCHRAN,
PETE DOMENICI,
ROBERT F. BENNETT,
JUDD GREGGNew JERSEY,
BEN NIGHTHORSE CAMPBELL,
SAM BROWNBACK,
BYRON L. DORGAN,
ROBERT C. BYRD,
PATRICK J. LEAHY,
ERNEST HOLLINGS,
HARRY REID,
DIANNE FEINSTEIN,
BARBARA A. MIKULSKI,
Managers on the Part of the Senate.

PROVIDING FOR RECOMMITTAL OF CONFERENCE REPORT ON H.R. 2115, FLIGHT 100—CENTURY OF AVIATION REAUTHORIZATION ACT

Mr. LINCOLN DIAZ-BALART of Florida. Madam Speaker, by direction of the Committee on Rules, I call up House Resolution 377 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 377

Resolved, That upon adoption of this resolution the conference report to accompany the bill (H.R. 2115) to amend title 49, United States Code, to reauthorize programs for the Federal Aviation Administration, and for other purposes, is hereby recommitted to the committee of conference.

□ 1830

The SPEAKER pro tempore (Mr. GIBBONS). The gentleman from Florida (Mr. LINCOLN DIAZ-BALART) is recognized for 1 hour.

(Mr. LINCOLN DIAZ-BALART of Florida asked and was given permission to revise and extend his remarks.)

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Massachusetts (Mr. MCGOVERN), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, House Resolution 377 is a rule providing for the conference report accompanying H.R. 2115, the Flight 100–Century of Aviation Reauthorization Act to be recommitted to the conference committee. In an effort to ensure support for the bill, the House committees of jurisdiction have committed to making this important legislation even better through another conference.

I would like to thank the gentleman from Alaska (Chairman YOUNG) for his extraordinary leadership on this issue, as well as the other Members who have worked hard to make this a reality as we continue to address the concerns of Members on both sides of the aisle.

Mr. Speaker, I urge my colleagues to support this important rule.

Mr. Speaker, I reserve the balance of my time.

Mr. MCGOVERN. Mr. Speaker, I yield myself 7 minutes.

Mr. Speaker, I thank the gentleman from Florida (Mr. LINCOLN DIAZ-BALART) for yielding me the customary time.

Mr. Speaker, the conference report for H.R. 2115, the FAA Reauthorization Act, is not quite ready for prime time. The good news is that the conference report is complete. The bad news is that there is no way it can pass the House in its current form. That is why we are here today. By voting for this rule, the House will send this conference report back to the conference committee for further consideration, an action that is sorely needed.

Mr. Speaker, the reason we need to recommit this conference report back to the conference committee is simple: There are three major provisions in this bill that will undermine efforts to protect the American public, while weakening our country's competitive position in the international air cargo markets.

The first and most obvious problem with the conference report is the provision that would allow for the immediate privatization of 69 air traffic control towers, with the authority to privatize all other air traffic control towers after 4 years. If this provision becomes law, it will begin the dismantling of the air traffic control system as we know it. We cannot allow our air traffic control system to be farmed out to the lowest bidder. Safety must come first, and we cannot do it on the cheap. Members on both sides of the aisle feel so strongly about this provision that they have pledged to vote against the conference report.

Mr. Speaker, FAA controllers responded magnificently during the tragic terrorist attacks of September 11. They successfully landed 4,482 aircraft within 2 hours without a single operational error. Their performance on that fateful day earned them the U.S. Department of Transportation's highest award for achievement. But the fact of the matter is they did an outstanding job before 9/11, and they have continued to do so every day since.

The FAA controllers and technicians are a highly-skilled group of dedicated professionals who deserve better than to be discarded just 2 short years after the world became so familiar with the challenges that they face. This conference report does not accord them the respect and the gratitude that they have earned and so rightly deserve.

Contrary to the various claims that have been made, this provision would not just affect airports that exclusively serve general aviation aircraft. Eighteen of the airports included in the list of 69 airports that could be privatized are served by commercial carriers. This includes Hanscom Airfield in my home State of Massachusetts, which is served by several commercial carriers, including Continental, Delta and Northwest. But even more alarming is the fact that 11 of these 69 air towers are among the 50 busiest in the country.

Now, as misguided as this provision is, the way it magically appeared in the conference report is just as galling. Not only was the provision not included in either bill passed by the House or the Senate, it runs completely counter to language in both the House and Senate bills that expressly prohibited the privatization of air traffic control. Yet, the conference committee, acting on orders from the White House, defied the wishes of the Members who serve in both Chambers and snuck this unwise, special-interest provision into the conference report.

This tactic, Mr. Speaker, is a new favorite of the Republican leadership. They ignore what the full House and full Senate have done, and secretly rewrite important bills in some back room. It is a terrible way to do the people's business. It makes a mockery of the legislative process and confirms the most cynical suspicions people have about how this Congress operates.

And it gets worse. A last minute one-word change in the conference report has changed antiterrorism training for flight crews from mandatory to discretionary. The Homeland Security Act of 2002 directed the Transportation Security Administration to issue security training guidelines for flight crews.

Section 603 of the FAA conference report guts this directive in order to give air carriers the authority to establish such training requirements.

The TSA has developed the training for Federal flight deck officers and the Federal air marshals. It only makes sense that the TSA should be responsible for developing the antiterrorism training for flight attendants so that there is a coordinated response from the entire flight crew in the event of a terrorist attack. To do anything less, Mr. Speaker, is to place special interests above passenger and crew safety, and that is absolutely unacceptable.

The third and final provision of this conference report that must be fixed is the giveaway exemption that will allow foreign airlines to carry air cargo between two U.S. domestic points, provided one of those domestic points is in Alaska and only in Alaska. There is no similar exemption for international air cargo going through Hawaii, Florida or California; just Alaska.

This provision represents an unprecedented change in U.S. transportation policy that for 200 years has protected domestic point-to-point service from foreign competition. No other country in the world grants U.S. carriers the kind of open access to its domestic transportation network that this provision would grant to foreign carriers operating in the United States. It is unfathomable that we would make such a dramatic change to long-standing transportation policy without a single hearing or a minute of debate.

Now, make no mistake, the Alaska cargo provision will add the U.S. aviation industry to manufacturing, textiles and other sectors of our economy that are hemorrhaging jobs to other countries. The U.S. airline industry has seen losses of $7 billion per year since September 11, resulting in the layoffs of 150,000 American workers.

This provision will do nothing but harm our efforts to help the U.S. aviation industry recover, while widening the gaping holes that already exist in our homeland security with respect to screening air cargo.

So, Mr. Speaker, it is important that the conference committee not just meet to strip the privatization provision, an action that will not fully fix the problem, but that the conference actually reconvene and address all of the flaws now contained in this bill.

Mr. Speaker, I urge my colleagues to support this rule and send this conference report back to the conference committee, where, hopefully this time, the will of the House will be respected.

Mr. Speaker, I reserve the balance of my time.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Pennsylvania (Mr. PETERSON).

(Mr. PETERSON of Pennsylvania asked and was given permission to revise and extend his remarks and include extraneous material.)

Mr. PETERSON of Pennsylvania. Mr. Speaker, I thank the gentleman for yielding me time.

Mr. Speaker, as Representative of one of the largest rural districts east of the Mississippi and cochairman of the Rural Congressional Caucus, I rise today because I feel an obligation to uphold the will of the House, which seems to have been bypassed in this report.

Just several months ago, we had an amendment on the floor here that removed a provision that forced rural airports to pay a portion of up to 10 percent of the essential air service that helps them provide service in difficult times. The House removed it; the Senate removed it. Today, it is back here.

Now, it is limited to 10 communities and it will not hurt as many, but it is very possible that for these 10 communities, it could cost over $100,000.

Rural airports have a very limited income stream. They do not have much means of income. They are fortunate to have money to match Federal money to pave their runways, fix their lights and run the airport.

So I ask that if this bill is recommitted to conference for other issues, and many other rural Members strongly urge the committee leadership, to remove Section 408, the Essential Air Service Local Participation Pilot Program, from this provision. I personally will find it extremely difficult, and many other rural Members will too, to support the conference report, and I do not want to be in that position.

Mr. Speaker, I include for the RECORD copies of letters signed by 48 House Members and 16 Senators.

CONGRESS OF THE UNITED STATES,
Washington, DC, October 8, 2003.

Hon. JOHN MCCAIN,
Chairman, Committee on Commerce, Science, and Transportation, Dirksen Office Building, Washington, DC.

Hon. FRITZ HOLLINGS,
Ranking Member, Committee on Commerce, Science, and Transportation, Dirksen Office Building, Washington, DC.

Hon. DON YOUNG,
Chairman, Committee on Transportation and Infrastructure, Rayburn House Office Building, Washington, DC.

Hon. JAMES OBERSTAR,
Ranking Member, Committee on Transportation and Infrastructure, Rayburn House Office Building, Washington, DC.

DEAR CHAIRMAN YOUNG, CHAIRMAN MCCAIN, RANKING MEMBER OBERSTAR, RANKING MEMBER HOLLINGS: We write out of grave concern for a provision added to the Vision 100—Century of Aviation Reauthorization Conference Report regarding the adoption of a local cost share for certain Essential Air Service communities. This addition to the conference report not only goes against the will of both the House and the Senate, but may also have a disastrous effect on many of our small rural airports. Therefore, we urge the conference committee to remove this language before bringing the report to the respective floors for a vote.

As you know, the local cost share provision was removed in H.R. 2115 by an amendment offered by Representatives McHugh, Peterson (PA) and Shuster, which passed by a voice vote. Likewise, a similar local cost share provision was removed from S. 824 by an amendment offered by Senator Bingaman.

It is our understanding that negotiations are currently under way to remove language from the conference report regarding the privatization of air traffic controllers. This provides the conference committee an excellent opportunity to remove the EAS local match provision that was already stricken on both the House and Senate floors and not included in either bill brought to the conference committee.

Additionally, this provision will have untold effects on many small rural communities. It is unacceptable to force communities to pay up to $100,000 in a local cost share, in addition to the many costs they currently incur in running a small local airport.

We respectfully request the removal of Section 408 from the Vision 100—Century of Aviation Reauthorization Act Conference Report before it is brought to the House and Senate floors for consideration and we look forward to working with you in the future to ensure rural communities continue to receive essential air service.

Sincerely,

John E. Peterson, Allen Boyd, Tom Osborne, Nick Rahall, Phil English, Max Burns, Bud Cramer, Earl Pomeroy, Steve Pearce, Ray LaHood, James A. Leach, ——— ———, Lincoln Davis, ——— ———, Michael H. Michaud.

U.S. SENATE,
Washington, DC, September 29, 2003.

Hon. JOHN MCCAIN,
Chairman, Committee on Commerce, Science, and Transportation, Dirksen Office Building, Washington, DC.

Hon. ERNEST F. HOLLINGS,
Ranking Member, Committee on Commerce, Science, and Transportation, Dirksen Office Building, Washington, DC.

Hon. DON YOUNG,
Chairman, Committee on Transportation and Infrastructure, Rayburn House Office Building, Washington, DC.

Hon. JAMES OBERSTAR,
Ranking Member, Committee on Transportation and Infrastructure, Rayburn House Office Building, Washington, DC.

GENTLEMEN: We write out of grave concern for a provision added to the Vision 100—Century of Aviation Reauthorization conference report regarding the adoption of a local cost share for certain Essential Air Service communities. This addition to the conference report not only goes against the will of both the House and the Senate, but may also have a disastrous effect on many of our small rural airports. Therefore, we urge the conference committee to remove this language before bringing the report to the respective floors for a vote.

The local cost share provision was removed from S. 824 by a bipartisan amendment offered by 15 senators, which passed on a voice vote. Likewise, a similar local cost share provision was removed from H.R. 2115 by an amendment offered by Representatives McHugh, Peterson (PA) and Shuster.

It is our understanding that negotiations are currently under way to remove language from the conference report regarding the privatization of air traffic controllers. This provides the conference committee an excellent opportunity to remove the EAS local match provision that was already stricken on both the House and Senate floors and not included in either bill brought to the conference committee.

Additionally, this provision will have untold effects on many small rural communities. It is unacceptable to force communities to pay up to $100,000 in a local cost share, in addition to the many costs they currently incur in running a small local airport.

We respectfully request the removal of Section 408 from the Vision 100—Century of

Aviation Reauthorization Act conference report before it is brought to the House and Senate floors for consideration, and we look forward to working with you in the future to ensure rural communities continue to receive essential air service.

Sincerely,

Jeff Bingaman, Olympia Snowe, Hillary Rodham Clinton, Patrick Leahy, Blanche L. Lincoln, Jim Jeffords, Mark Pryor, Tom Udall, Charles Schumer, Jim Daschle, Arlen Specter, E. Benjamin Nelson, Susan M. Collins, Chuck Grassley, Mark Dayton, Chuck Hagel.

CONGRESS OF THE UNITED STATES,
Washington, DC, September 24, 2003.

Hon. JOHN MCCAIN,
Chairman, Committee on Commerce, Science, and Transportation, Dirksen Office Building, Washington, DC.

Hon. FRITZ HOLLINGS,
Ranking Member, Committee on Commerce, Science, and Transportation, Dirksen Office Building, Washington, DC.

Hon. DON YOUNG,
Chairman, Committee on Transportation and Infrastructure, Rayburn House Office Building, Washington, DC.

Hon. JAMES OBERSTAR,
Ranking Member, Committee on Transportation and Infrastructure, Rayburn House Office Building, Washington, DC.

DEAR CHAIRMAN YOUNG, CHAIRMAN MCCAIN, RANKING MEMBER OBERSTAR, RANKING MEMBER HOLLINGS: We write out of grave concern for a provision added to the Vision 100—Century of Aviation Reauthorization Conference Report regarding the adoption of a local cost share for certain Essential Air Service communities. This addition to the conference report not only goes against the will of both the House and Senate, but may also have a disastrous effect on many of our small rural airports. Therefore, we urge the conference committee to remove this language before bringing the report to the respective floors for a vote.

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It is our understanding that negotiations are currently under way to remove language from the conference report regarding the privatization of air traffic controllers. This provides the conference committee an excellent opportunity to remove the EAS local match provision that was already stricken on both the House and Senate floors and not included in either bill brought to the conference committee.

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We respectfully request the removal of Section 408 from the Vision 100—Century of Aviation Reauthorization Act Conference Report before it is brought to the House and the Senate floors for consideration and we look forward to working with you in the future to ensure rural communities continue to receive essential air service.

Sincerely,

John E. Peterson, Allen Boyd, John McHugh, Jerry Moran, Bill Shuster, Chris Cannon, John Shimkus, Marion Berry, Barbara Cubin, Charles F. Bass, Ron Paul, John Tanner, Frank D. Lucas, Scott McInnis, Kenny C. Hulshof, Rick Renzi, Rob Bishop, Dennis A. Cardoza, Jim Gibbons, Jim Matheson, Ed Case, Anibal Acevedo-Vilá, Mike Ross, Tom Udall, Lane Evans, Timothy Johnson, Bernie Sanders, John Boozman, Tom Latham, Heather Wilson, Ron Lewis, Jo Ann Emerson, Doug Bereuter, Bart Stupak, Collin C. Peterson.

Mr. MCGOVERN. Mr. Speaker, I yield 4 minutes to the gentleman from Oregon (Mr. DEFAZIO).

Mr. DEFAZIO. Mr. Speaker, I thank the gentleman for yielding me time.

Mr. Speaker, the House finds itself in a bit of an awkward position here. The Federal aviation reauthorization legislation passed this body some months ago with little controversy, an excellent bill moving us forward with investment in the future of aviation air traffic control air safety. A quite similar bill passed the Senate, and it appeared we were on our way to meeting the October 1 deadline.

Unfortunately, something strange happened on the way to adopting a Federal aviation reauthorization, and that is White House ideology and politics and stupidity.

We were summoned to an emergency meeting of the conference the day before the House was to adjourn for the August recess, because the FAA bill was going to be brought to the floor the next day. There was just one little change, an unwritten amendment to privatize 71 air traffic control towers.

Well, the gentleman from Alaska (Chairman YOUNG) did not like that much, so, whoops, suddenly these deeply-held principles could be changed, and it was suddenly 69 towers could be privatized, because the two in Alaska did not need to be privatized anymore.

Now, when the Senator from Arizona was questioned as to how he came up with the list of 69 that presented to him by the White House, he said, oh, there were really good reasons for it. These were all just little VFR dinky airports and this would be a more efficient way to do it.

I said well, I wonder if he ever landed at Boeing Field in Seattle. I did not think Boeing was aware of the fact that that was just a VFR field, a little dinky field. I thought it was actually kind of crucial to the aviation industry of the United States of America and Boeing, our largest manufacturer, in fact, our only commercial manufacturer. Then others went on to question about others on the list. The bottom line was he was defending the indefensible.

The White House wants to say that it is not the business of the government of the United States of America, it is not the business of government employees, to control air traffic, to provide for safety and control of the national air space. That should be a private sector function. Somebody might be able to make a little bit of money doing it, despite the fact there is no successful model of privatization in the world. They are all more expensive and less efficient.

Well, what the heck, that does not matter to this White House. So what if we gouge the taxpayers for more money, if someone can make a little money, and maybe we can bust another union here. That is all this is about. It is quite simple.

Both the House and the Senate, by near unanimous majorities, voted to not privatize the air traffic control system. But the ideologues at the White House presented to their compliant lap dogs that order, and they trotted into the conference with it. They got it done by voice vote, no one signed the conference report from this side of the aisle. But they have not been able to bring the bill to the floor because, guess what? They cannot get the support in the House or the Senate for what they wanted and what they got, which is privatization of air traffic control, jeopardizing the safety and the future of the air space of the United States of America.

Now they say, well, we will just go back to conference and strike it. Now, they are going to try the bait and switch rouse here which is to say, well, we will strike out that offensive and stupid provision out of the bill, you know, the arbitrary privatization of 69 air traffic control towers against the will of the Senate and the House. We will just strike that out altogether.

But, of course, what they are conveniently omitting there is that both the Senate and House had had affirmative language to prohibit privatization, and absent that, the ideologues at the White House can actually privatize more air traffic control towers, further jeopardizing the safety of the traveling public and the control of the air space of the United States of America. So that is what they are going to try now.

But I do not think that this House, the Members of this House or the Members of the other body, are that dumb that they are going to fall for that. I do not think it gives those who are weak-kneed enough cover to go in that direction.

It is the same issue: Do you believe in privatization of air traffic control or not. Do you want to follow the failed models of other countries that are more expensive and less efficient or not? That is the bottom line when this comes back up on Thursday.

They are going to say, oh, we took that out of the bill. It is underlying the bill without a prohibition, and the ideologues at the White House will sure as heck rush forward with privatization, because someone might be able to make a little bit of money. So what if it kills people and jeopardizes the air space.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I reserve the balance of my time.

Mr. MCGOVERN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, given the fact that I see the distinguished chairman of the Subcommittee on Aviation seated over there, perhaps he could give us some assurance that as we vote for this rule to send this flawed conference report

back to the conference committee, that maybe he can give us an assurance that the conference committee will be open and Members will be allowed to offer amendments in the committee.

□ 1845

Mr. Speaker, I am happy to yield to him if he would be willing to answer that question.

Mr. MICA. Mr. Speaker, I thank the gentleman; but I will close, hopefully, for our side and answer that question at that time.

Mr. MCGOVERN. Mr. Speaker, I appreciate the gentleman's response. We are all anxiously awaiting the answer to that question.

At this juncture I yield 9 minutes to the gentleman from Minnesota (Mr. OBERSTAR), the distinguished ranking member of the Committee on Transportation and Infrastructure.

Mr. OBERSTAR. Mr. Speaker, I thank the gentleman for yielding me this time.

I am pleased, Mr. Speaker, that we are finally going forward with the rule to commit the conference report back to conference, and I will vote for that motion. But I am concerned that going back to conference simply will repeat the sham we had the first time that there was a conference. I have served for 24 years on conference committees, and this is the first time I have been to a conference that did not have legislative language. We had concepts. So at a certain point I was allowed to offer a conceptual amendment to a concept that had been presented. And after some discussion, there was a vote, the concept that I offered was defeated on a voice vote, the bells rang for a vote in the House, and Senators were notified of a vote in their body. The conference dissolved and, the next thing I knew, the next day, miraculously, legislative language appeared and it contained a number of items that we were expecting; but we did not have it the day before, and it was an urgent matter to get this conference completed. That is 94 days ago. I marvel at the urgency that suddenly vanished along with the legislative language which also then miraculously appeared the next day.

There is a lot of good in this bill. We need to provide funding for the airport improvement program, facilities and equipment account for the operation air traffic control system. There are three issues that are very critical to the future of aviation. The first the gentleman from Oregon and the gentleman from Massachusetts on our side have discussed at some length, and that is privatization of the air traffic control system.

This is not the first time this issue has been raised before our Committee on Transportation and Infrastructure. When I chaired the Subcommittee on Aviation, it was raised by the first Bush administration and we had a discussion about it; and my colleague, the ranking member on the Republican side, Mr. Clinger, and I both agreed that was a bad idea and it went away. Then it came back during the Clinton-Gore administration and it was more fully refined and defined, and I said it was a terrible idea and vigorously opposed it, with great support on the Republican side. Now that the idea has surfaced for a third time from a Republican administration, my colleagues, many of my colleagues on the other side of the aisle, suddenly have had a change of heart, or maybe many of them were not here in the House when the first two attempts were made. The fact is, this is just a very bad idea.

The second issue is to establish training guidelines for flight attendants. The House bill said, you ''shall'' establish these training guidelines. We were all agreed on that. We marched arm in arm together in subcommittee, in full committee, and to the House floor, and through the House. And then a one-word change in Senate floor debate from ''shall'' to ''may'' makes the whole thing speculative. We were all agreed that it was important. If you are going to arm the flight deck crew, have guns on the flight deck and you are going to have the sealed door, the bullet proof, bomb-proof door protecting the flight deck crew, the flight attendants say, what about us? Should we not have training? Should that not be mandatory? We say yes. This body voted ''yes.'' But somehow, miraculously in conference, or in Senate floor debate, the White House said, no, we do not want it mandatory.

The question we have to raise is, are we a three-party government or are we a parliamentary system in which the legislative is merely an extension of the executive branch? This body has time and again stood up against the executive branch for what we believe, the people's elected representatives, is the right thing for the best national interest; and we made that decision here in an overwhelming vote, not to privatize, to train the flight attendants on board aircraft; and all of a sudden, that just vanished, succumbed.

Then the third issue is that of training cabin crews, I mean of cabotage, which we have never permitted previously to allow foreign airlines to ferry goods between cities. Well, that is, as the gentleman from Oregon said, the beginning of dissolution of another major sector of the American economy that other countries protect. Why should we let our guard down now just because that exchange of goods will take place in Alaska? I think that is just dead wrong.

The gentleman from Pennsylvania has very well expressed a fourth issue requiring small communities to underwrite essential air service. That was an issue that was fundamental to deregulation in 1978. I sat on the committee. I voted for deregulation because it had protection for essential air service for small communities that they would not have to pay for. Now we are going to bring that concept back and make it almost a certainty that some communities in my district, if they do not have air service, the only way to get there is to be born there. Well, I do not want to see that happen; the gentleman from Pennsylvania does not want to see that happen; and we must not let that happen.

Then the thing that I find, the step that I find very unpalatable, two steps, one is we will just remove the offending language when we recommit this bill to conference about the 69 towers and go back to current law. That is the poison pill. The current law is the President's executive order stating that air traffic control is not an inherently governmental service. That then opens the whole system up for privatization. I know there is language that says the rest of the air traffic control until 2007 cannot be privatized; but once we start down that road, the whole chain becomes unraveled.

Then there is the second effort that we have been hearing about and reading about in news accounts of trading towers: if you agree to vote for this, we will take your tower out. Well, I find if you take this to its logical conclusion, eventually all the Members who have their tower in their district voted taken out of the privatization will have protected themselves against privatization, but they will be voting for the privatization system. So all of those who voted against privatization will have privatized towers. Those who want to vote for privatization will have their towers removed from the privatization requirement. I do not understand how anybody can take that home and sell that to their constituencies.

Let us commit this bill to conference. I appeal to the chairman of the subcommittee and the chairman of the full committee to have a real conference, not a sham. Let us gather the members together. Let us have full debate. Let us have a discussion of the merits of the issues. Let us have real give and take on this issue as we have done time and again historically in House-Senate conferences on aviation legislation. Let us do it the right way, not this back-door sham way.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I yield such time as he may consume to the gentleman from Florida (Mr. MICA), the chairman of the Subcommittee on Aviation.

Mr. MICA. Mr. Speaker, I thank the gentleman from Florida for yielding me this time. I am pleased to address some of the issues relating to this motion to recommit.

First of all, I do support the motion to recommit the FAA reauthorization legislation and urge those on both sides of the aisle for this recommittal.

To answer the gentleman from Massachusetts' question to me previously about commitments that I would make as to what would be in and what would be out of the final legislation and conference report that comes out, I can make no guarantee tonight. I am but

one member of the conference committee, even though I chair the Subcommittee on Aviation and am willing to work with the other side.

But let me set some facts straight tonight as we conclude the debate on the motion to recommit. First of all, my colleagues heard the ranking member of the full committee just cite that air traffic control is an inherently governmental function and that somehow this has been politicized by our side of the aisle. Nothing, I say to my colleagues, could be further from the truth. In fact, for 7½ years of the Clinton administration, there was no inherently governmental label placed on FAA air traffic control. That was done in the last waning months of the Clinton administration as a bone to some of those in organized labor. But prior to that, there was no inherently governmental label. President Bush did remove that when he came into office and has asked for the option to look at which tower should be privatized or which should be contract towers and which should be fully FAA-operated towers.

The fact is, almost half, 219, of our towers today are contract towers. They are run by the FAA, but managed by a private company. The fact is, on September 11, half of the towers in this country that were contract towers, so-called privatized towers, also brought down the planes safely on September 11. The fact is, the President wanted the ability to look at every tower that is fully FAA-staffed and decide which should be fully FAA-staffed and which should be contract. We decided in this report, not just by picking towers at random, but by taking a report that was first done in the year 2000 by the Inspector General who looked at some 71 FAA, fully FAA-run towers. He looked at all 71 of them. And he came back and he said, based on first safety and secondly on cost, these are towers that should be looked at for becoming contract towers.

Then, not only in the year 2000 did he look at it, but NATCA, the union that runs air traffic control, asked for a relook and disputed the cost figures. So we asked for a relook. And in the year 2002, he conducted a relook; and we just got that report. It showed that the contract towers, in fact, when compared to the fully FAA towers, had a 2½ times better safety rate in the year 2000; and then the relook, I have a copy here, says 4½ times safer with a contract tower than a fully FAA; that is on the basis of safety.

Then just turning to the next page and looking at cost, the cost here, our analysis showed that the 12 contract towers on average cost about $917,000 less to operate. So on the basis of safety and cost, it was safer to have contract towers. And they compared the 2000 study and the 2002 study which we just got in 2003, and both confirmed this.

But a campaign of disinformation to Members in Congress, to the public, and to everyone who has had the opportunity to see it, a campaign of disinformation to the tune of $6 million has tried to say just the opposite of what the facts are. Now, these, I say to my colleagues, are the facts.

So we will take this back to conference, and we will revisit this issue. Anyone who would like, we will make a copy of this report available. But this campaign of disinformation is now forcing us to go back to conference. I make no guarantees as to what will come out of that conference. None of these provisions or the 69 towers that we have included were secretly written provisions.

□ 1900

That provision was voted on in open conference and the other side lost in this issue. So these are the facts that we deal with.

Finally, the cargo extension provision in Alaska, I hope we do not change that. Because if you want to see more jobs lost in the United States, if you want to see a transportation cargo hub moved from Alaska to Canada, go ahead and change this provision. And you will put thousands of people out of work and move cargo to another country. Try that. See how that works.

Finally, the local share match, we heard the plea of the rural communities. The administration wanted a match. We eliminated all the match except in 10 demo essential air service locations. And even with those 10 demos, we have allowed for a waiver. I hope we keep that provision that that allows that waiver and allows essential service.

Those are the facts. We can deal with fantasy, or we can deal with a multimillion dollar disinformation campaign. I urge the recommittal of this legislation, and I ask that you fasten your seat belts and put your tray tables in an upright and locked position and get ready for a ride to conference.

Mr. MCGOVERN. Mr. Speaker, I yield 1½ minutes to the gentleman from Minnesota (Mr. OBERSTAR).

Mr. OBERSTAR. Mr. Speaker, I have got my seat belt in place, tray table is up, waiting for a real conference. The points the gentleman from Florida raised are the kinds of issues that we should be discussing in the conference. We did not have that kind of discussion before, and if you go back to the report of the Inspector General and, as verified by, as reviewed further by GAO, you find that the selection of air traffic control towers was arbitrary, did not follow a consistent pattern, was flawed in the number of towers selected.

Furthermore, there are 63 million operations a year run by our FAA control towers. The contract towers handle a fraction of that amount, and they handle different kinds of traffic. And those are the kinds of issues I say to my good friend, the distinguished chairman of the Committee on Transportation and Infrastructure Subcommittee on Aviation, the gentleman from Florida (Mr. MICA) that we should be discussing in the House-Senate conference. That is where we ought to have that debate, not here in 1-minute sound bites.

Mr. Speaker, the gentleman from Florida cited 7½ years of the Clinton administration not doing anything. That was because I, with the support of Republicans in the House, vigorously opposed the Gore reinventing government proposal to privatize air traffic control. We took it on head-on and stopped them dead in their tracks. I say to the gentleman, keep that in mind.

Mr. MCGOVERN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, let me just close by saying we are here today because the Republican leadership in the White House have forgotten that the House of Representatives is a deliberative body where Members of both parties insist that when they express their will, it will be respected and in conference committees. They do not like secret deals in back rooms.

The question that I ask the gentleman from Florida (Mr. MICA), the distinguished chairman of the Subcommittee on Aviation, was not a question of whether or not he could guarantee that certain provisions would be in the bill or provisions would be removed from the bill, what I asked him was very simply a guarantee that this would be an open conference, unlike what happened before, that this would be an open conference, an open process, a fair process, where Members of both parties, Democrats and Republicans, would have the opportunity to not only discuss issues, but to be able to offer their amendments. That was the question that the gentleman did not answer.

And I would hope, and I would urge all my colleagues to vote for this rule, to send this flawed conference report back to the conference committee and let us hope this time they get it right.

Mr. Speaker, I yield back the balance of my time.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I appreciate the debate. I think it is very important that the facts alluded to by Mr. MICA are here in writing, written down, black and white here. So the gentleman from Florida (Mr. MICA) has the copies available for the membership if any of the Members want to review the facts.

Ms. LINDA T. SÁNCHEZ of California. Mr. Speaker, today, the House of Representatives is making a procedural vote on whether not to recommit the FAA Reauthorization bill to conference. What this is really is an attempt to circumvent the real legislative process—an up or down vote on the merits of their proposal. Why is the Republican leadership doing this? Because they are trying to sneak through provisions that are seriously flawed and pose a major risk to flight safety and national security.

As a cochair of the newly created Congressional Labor and Working Families Caucus, I find it appalling that Congress would consider

privatizing air traffic controllers when our security is at a greater risk that ever. This and two other provisions in this bill would do less—not more—to protect us from terrorism, and seriously undermine the airline industry in our country and jeopardize the safety of our personal air travel.

First, this bill opens the door for private companies to purchase air traffic control towers from the Government. This means our Government will no longer be in control of the safety of our airspace. Privatizing the Nation's air traffic control system is a risky and dangerous experiment at a time when public safety is of the highest importance.

Also, under this bill flight attendants are no longer required to receive antiterrorism training. Following the events of 9/11, flight attendants want to be properly trained; passengers want them to be trained; and as a frequent flyer I personally want them to be trained.

Lastly, it would allow international airlines to carry cargo throughout the United States without it being properly screened or tracked. The proposed changes would affect national security as well as jeopardize the livelihood of our domestic industry.

Ironically, after 9/11, airport screeners were federalized because we realized that our safety depended on the individuals working those posts to be under Federal supervision. It is same with air traffic controllers.

Look at it this way . . . the price of a plane ticket—$235, the price of airport parking for a week—$75, and the expertise and experience of air traffic controllers to land your airplane, priceless.

There is no price tag to our safety. For the safety for all Americans, I strongly urge my colleagues to vote ''yes'' to recommit the FAA Conference Report and take out these heinous provisions. Let's put safety first.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER pro tempore (Mr. GIBBONS). The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. MCGOVERN. Mr. Speaker, I object to the vote on the ground that the quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore (Mr. GIBBONS). Evidently, a quorum is not present.

The Sergeant at Arms will notify absent Members.

Pursuant to clause 8 of rule XX this 15-minute vote on the House Resolution 377 will be followed by four other votes. The middle three votes in this series will be 5-minute votes. The first and last votes will be 15-minutes votes.

The vote was taken by electronic device, and there were—yeas 407, nays 0, not voting 27, as follows:

[Roll No. 569]

YEAS—407

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Ballance
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Becerra
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Carter
Case
Castle
Chocola
Clay
Clyburn
Coble
Cole
Collins
Conyers
Cooper
Costello
Cox
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emanuel
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Foley
Forbes
Fossella
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (TX)
Greenwood
Grijalva
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hill
Hinchey
Hinojosa
Hobson
Hoeffel
Holden
Holt
Honda
Hooley (OR)
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Israel
Issa
Istook
Jackson (IL)
Janklow
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (IA)
Kingston
Kirk
Kleczka
Kline
Knollenberg
Kolbe
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Majette
Maloney
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCotter
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Sanchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schiff
Schrock
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stark
Stearns
Stenholm
Strickland
Sullivan
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Tiahrt
Tiberi
Tierney
Toomey
Towns
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velazquez
Vitter
Walden (OR)
Walsh
Wamp
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—27

Bell
Burns
Chabot
DeMint
Dooley (CA)
Fletcher
Ford
Frost
Gephardt
Green (WI)
Gutierrez
Hoekstra
Isakson
Jackson-Lee (TX)
King (NY)
LaHood
Lampson
Lantos
McCollum
Nethercutt
Pryce (OH)
Royce
Schakowsky
Stupak
Sweeney
Thornberry
Visclosky

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. GIBBONS) (during the vote). Members are advised that there are 2 minutes remaining in this vote.

□ 1926

Mr. SOUDER changed his vote from ''nay'' to ''yea.''

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings will resume on one motion to suspend the rules and on three motions to instruct conferees previously postponed.

Votes will be taken in the following order:

H.R. 2359, a suspension;

H.R. 6, a motion to instruct;

H.R. 1, a motion to instruct;

HR. 1308, a motion to instruct, all by the yeas and nays.

Votes on suspending the rules with respect to H. Con. Res. 291 and H. Res. 409 will be taken tomorrow. The next three votes will be conducted as 5-minute votes. The fifth and final vote in this series will be a 15-minute vote.

BASIC PILOT EXTENSION ACT OF 2003

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the bill, H.R. 2359, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Wisconsin (Mr. SENSENBRENNER) that the House suspend the rules and pass the bill, H.R. 2359, as amended, on which the yeas and nays are ordered.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 231, nays 170, not voting 33, as follows:

[Roll No. 570]

YEAS—231

Aderholt
Akin
Alexander
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Bereuter
Biggert
Bilirakis
Bishop (GA)
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boyd
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burr
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Carson (OK)
Case
Castle
Chocola
Coble
Cole
Collins
Costello
Cox
Cramer
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeLay
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Dreier
Duncan
Dunn
Ehlers
Emerson
English
Everett
Feeney
Ferguson
Flake
Foley
Forbes
Fossella
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Goode
Goodlatte
Goss
Granger
Graves
Greenwood
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Holden
Hooley (OR)
Hostettler
Houghton
Hulshof
Hunter
Hyde
Issa
Istook
Janklow
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
King (IA)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lucas (OK)
Manzullo
Marshall
McCotter
McCrery
McHugh
McInnis
McIntyre
McKeon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Murphy
Musgrave
Myrick
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Osborne
Ose
Otter
Oxley
Pearce
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Putnam
Quinn
Radanovich
Ramstad
Regula
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ryan (WI)
Ryun (KS)
Saxton
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Smith (NJ)
Smith (TX)
Souder
Spratt
Stearns
Stenholm
Sullivan
Tancredo
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Tiahrt
Tiberi
Toomey
Turner (OH)
Upton
Vitter
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Wu
Young (AK)
Young (FL)

NAYS—170

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldwin
Ballance
Becerra
Berkley
Berman
Berry
Bishop (NY)
Blumenauer
Boswell
Boucher
Brady (PA)
Brown (OH)
Brown, Corrine
Capps
Capuano
Cardin
Carson (IN)
Clay
Clyburn
Conyers
Cooper
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doggett
Doyle
Edwards
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Frank (MA)
Gonzalez
Gordon
Green (TX)
Grijalva
Harman
Hastings (FL)
Hill
Hinchey
Hinojosa
Hoeffel
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jefferson
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind
Kleczka
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lofgren
Lowey
Lucas (KY)
Lynch
Majette
Maloney
Markey
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore
Moran (KS)
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Paul
Payne
Pelosi
Price (NC)
Rahall
Rangel
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Sanchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Schiff
Scott (GA)
Scott (VA)
Serrano
Sherman
Slaughter
Smith (WA)
Snyder
Solis
Stark
Strickland
Tauscher
Thompson (CA)
Thompson (MS)
Tierney
Towns
Turner (TX)
Udall (CO)
Udall (NM)
Van Hollen
Velazquez
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wynn

NOT VOTING—33

Ballenger
Bell
Burns
Burton (IN)
Cardoza
Carter
Chabot
DeMint
Dooley (CA)
Fletcher
Ford
Frost
Gephardt
Green (WI)
Gutierrez
Hoekstra
Isakson
Jackson-Lee (TX)
King (NY)
LaHood
Lampson
Lantos
McCollum
Nethercutt
Pryce (OH)
Royce
Schakowsky
Smith (MI)
Stupak
Sweeney
Thornberry
Visclosky
Whitfield

□ 1934

So (two-thirds not having voted in favor thereof) the motion was rejected.

The result of the vote was announced as above recorded.

MOTION TO INSTRUCT CONFEREES ON H.R. 6, ENERGY POLICY ACT OF 2003

The SPEAKER pro tempore (Mr. GIBBONS). The unfinished business is the vote on the motion to instruct on H.R. 6 offered by the gentleman from Massachusetts (Mr. MARKEY) on which the yeas and nays were ordered.

The Clerk will designate the motion.

The Clerk designated the motion.

The SPEAKER pro tempore. The question is on the motion to instruct offered by the gentleman from Massachusetts (Mr. MARKEY).

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 346, nays 59, not voting 29, as follows:

[Roll No. 571]

YEAS—346

Abercrombie
Ackerman
Aderholt
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Ballance
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Becerra
Bereuter
Berkley
Berman
Berry
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bono
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burr
Burton (IN)
Buyer
Calvert
Capito
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Case
Castle
Clay
Clyburn
Coble
Cole
Conyers
Cooper
Costello
Cox
Cramer
Crane
Crenshaw
Crowley
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emanuel
Emerson
Engel
English
Eshoo
Etheridge
Evans
Farr
Fattah
Feeney
Ferguson
Filner
Foley
Forbes
Fossella
Frank (MA)
Frelinghuysen
Gallegly
Gerlach
Gibbons
Gilchrest
Gillmor
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green (TX)
Greenwood
Grijalva
Gutknecht
Harman
Harris
Hastings (FL)
Hastings (WA)
Hayworth
Hefley
Herger
Hill
Hinchey
Hinojosa
Hobson
Hoeffel
Holden
Holt
Honda
Hooley (OR)
Hostettler
Houghton
Hoyer
Hulshof
Hyde
Inslee
Israel
Istook
Jackson (IL)
Janklow
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
Kind
Kingston
Kirk
Kleczka
Kline
Kolbe
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (GA)
Lewis (KY)
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Majette
Maloney
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCotter
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Otter
Owens
Pallone

Pascrell
Pastor
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pomeroy
Porter
Portman
Price (NC)
Quinn
Rahall
Ramstad
Rangel
Regula
Rehberg
Renzi
Reyes
Rodriguez
Rogers (KY)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Sanchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schiff
Schrock
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (WA)
Snyder
Solis
Spratt
Stark
Stearns
Stenholm
Strickland
Sullivan
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Terry
Thompson (CA)
Thompson (MS)
Tiahrt
Tierney
Towns
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velazquez
Walden (OR)
Walsh
Wamp
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wilson (NM)
Wolf
Woolsey
Wu
Wynn

NAYS—59

Akin
Barrett (SC)
Biggert
Bonilla
Bonner
Boozman
Burgess
Camp
Cannon
Cantor
Carter
Chocola
Collins
Cubin
Culberson
DeLay
Everett
Flake
Franks (AZ)
Garrett (NJ)
Gingrey
Goss
Hall
Hart
Hayes
Hensarling
Hunter
Issa
Johnson, Sam
Keller
King (IA)
Knollenberg
Lewis (CA)
Linder
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Ose
Oxley
Paul
Putnam
Radanovich
Reynolds
Rogers (AL)
Rogers (MI)
Sessions
Shadegg
Smith (TX)
Souder
Taylor (NC)
Thomas
Tiberi
Toomey
Vitter
Wicker
Wilson (SC)
Young (AK)
Young (FL)

NOT VOTING—29

Ballenger
Bell
Burns
Chabot
DeMint
Dooley (CA)
Fletcher
Ford
Frost
Gephardt
Green (WI)
Gutierrez
Hoekstra
Isakson
Jackson-Lee (TX)
King (NY)
LaHood
Lampson
Lantos
McCollum
Nethercutt
Pombo
Pryce (OH)
Royce
Schakowsky
Stupak
Sweeney
Thornberry
Visclosky

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised there are 2 minutes remaining in this vote.

□ 1941

So the motion to instruct was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Proceedings will now resume on motions to instruct in the following order:

H.R. 1308, by the yeas and nays;

H.R. 1, by the yeas and nays.

MOTION TO INSTRUCT CONFEREES ON H.R. 1308, TAX RELIEF, SIMPLIFICATION, AND EQUITY ACT OF 2003

The SPEAKER pro tempore. The unfinished business is the vote on the motion to instruct on H.R. 1308 offered by the gentlewoman from California (Ms. WOOLSEY) on which the yeas and nays were ordered.

The Clerk will designate the motion.

The Clerk designated the motion.

The SPEAKER pro tempore. The question is on the motion to instruct offered by the gentlewoman from California (Ms. WOOLSEY).

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 197, nays 208, not voting 29, as follows:

[Roll No. 572]

YEAS—197

Abercrombie
Ackerman
Alexander
Allen
Andrews
Baca
Baird
Baldwin
Ballance
Becerra
Bereuter
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Case
Castle
Clay
Clyburn
Conyers
Cooper
Costello
Cramer
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doggett
Doyle
Edwards
Ehlers
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Frank (MA)
Gonzalez
Gordon
Green (TX)
Grijalva
Hall
Harman
Hastings (FL)
Hill
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Honda
Hooley (OR)
Hoyer
Inslee
Israel
Jackson (IL)
Jefferson
John
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind
Kleczka
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Leach
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Lucas (KY)
Lynch
Majette
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McIntyre
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore
Moran (VA)
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Sanchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Schiff
Scott (GA)
Scott (VA)
Serrano
Sherman
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Stenholm
Strickland
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velazquez
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NAYS—208

Aderholt
Akin
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Carter
Chocola
Coble
Cole
Collins
Cox
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Dreier
Duncan
Dunn
Emerson
English
Everett
Feeney
Ferguson
Flake
Foley
Forbes
Fossella
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Goode
Goodlatte
Goss
Granger
Graves
Greenwood
Gutknecht
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hostettler
Houghton
Hulshof
Hunter
Hyde
Issa
Istook
Janklow
Jenkins
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
King (IA)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (OK)
Manzullo
McCotter
McCrery
McHugh
McInnis
McKeon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Myrick
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Osborne
Ose
Otter
Oxley
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Porter
Portman
Putnam
Quinn
Radanovich
Ramstad
Regula
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ryan (WI)
Ryun (KS)
Saxton
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Tancredo
Tauzin
Taylor (NC)
Terry
Thomas
Tiahrt
Tiberi
Toomey
Turner (OH)
Vitter
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—29

Ballenger
Bell
Burns
Chabot
DeMint
Dooley (CA)
Fletcher
Ford
Frost
Gephardt
Green (WI)
Gutierrez
Hoekstra
Isakson
Jackson-Lee (TX)
King (NY)
LaHood
Lampson
Lantos
McCollum
Murtha
Nethercutt
Pryce (OH)
Royce
Schakowsky
Stupak
Sweeney
Thornberry
Visclosky

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. GIBBONS) (during the vote). Members are reminded there are 2 minutes remaining in this vote.

□ 1949

So the motion to instruct was rejected.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

MOTION TO INSTRUCT CONFEREES ON H.R. 1, MEDICARE PRESCRIPTION DRUG AND MODERNIZATION ACT OF 2003

The SPEAKER pro tempore. The unfinished business is the question on the motion to instruct conferees on H.R. 1 offered by the gentleman from Ohio (Mr. BROWN) on which the yeas and nays were ordered.

The Clerk will designate the motion.

The Clerk designated the motion.

The SPEAKER pro tempore. The question is on the motion to instruct conferees offered by the gentleman from Ohio (Mr. BROWN).

The vote was taken by electronic device, and there were—yeas 194, nays 209, not voting 31, as follows:

[Roll No. 573]

YEAS—194

Abercrombie
Ackerman
Alexander
Allen
Andrews
Baca
Baird
Baldwin
Ballance
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boehlert
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Case
Clay
Clyburn
Conyers
Cooper
Costello
Cramer
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doggett
Doyle
Edwards
Emanuel
Emerson
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Frank (MA)
Gonzalez
Gordon
Green (TX)
Grijalva
Harman
Hastings (FL)
Hill
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Honda
Hooley (OR)
Hoyer
Inslee
Israel
Jackson (IL)
Jefferson
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind
Kleczka
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Lucas (KY)
Lynch
Majette
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McHugh
McIntyre
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore
Moran (VA)
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Sanchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Schiff
Scott (GA)
Scott (VA)
Serrano
Sherman
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Stenholm
Strickland
Sullivan
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Turner (TX)
Udall (CO)
Udall (NM)
Van Hollen
Velazquez
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NAYS—209

Aderholt
Akin
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Bereuter
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonilla
Bonner
Bono
Boozman
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Carter
Castle
Chocola
Coble
Cole
Collins
Cox
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis, Jo Ann
Deal (GA)
DeLay
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Dreier
Duncan
Dunn
Ehlers
English
Everett
Feeney
Ferguson
Flake
Foley
Forbes
Fossella
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Goode
Goodlatte
Goss
Granger
Graves
Greenwood
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hostettler
Houghton
Hulshof
Hyde
Issa
Istook
Janklow
Jenkins
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
King (IA)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (OK)
Manzullo
McCotter
McCrery
McInnis
McKeon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Myrick
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Osborne
Ose
Otter
Oxley
Paul
Pearce
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Porter
Portman
Putnam
Quinn
Radanovich
Ramstad
Regula
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ryan (WI)
Ryun (KS)
Saxton
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Stearns
Tancredo
Tauzin
Taylor (NC)
Terry
Thomas
Tiahrt
Tiberi
Toomey
Turner (OH)
Upton
Vitter
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—31

Ballenger
Bell
Burns
Chabot
DeMint
Dooley (CA)
Fletcher
Ford
Frost
Gephardt
Green (WI)
Gutierrez
Hoekstra
Hunter
Isakson
Jackson-Lee (TX)
John
King (NY)
LaHood
Lampson
Lantos
McCollum
Murtha
Nethercutt
Pryce (OH)
Royce
Schakowsky
Stupak
Sweeney
Thornberry
Visclosky

□ 2005

So the motion to instruct was rejected.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

ANNOUNCEMENT OF INTENTION TO OFFER MOTION TO INSTRUCT CONFEREES ON H.R. 6, ENERGY POLICY ACT OF 2003

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, subject to rule XXII, clause 7(c), I hereby announce my intention to offer a motion to instruct on H.R. 6, the Energy Policy Act of 2003.

The form of the motion is as follows:

Ms. EDDIE BERNICE JOHNSON of Texas moves that (1) The House conferees shall be instructed to include in the conference report the provisions of section 837 of the Senate Amendment that concern reformulated gasoline in ozone nonattainment areas and ozone transport regions under the Clean Air Act.

(2) The House conferees shall be instructed to confine themselves to matters committed to conference in accordance with clause 9 of rule XXII of the House of Representatives with regard to any matters relating to ozone nonattainment and ozone transport.

ANNOUNCEMENT OF INTENTION TO OFFER MOTION TO INSTRUCT CONFEREES ON H.R. 1, MEDICARE PRESCRIPTION DRUG AND MODERNIZATION ACT OF 2003

Mr. DAVIS of Florida. Mr. Speaker, subject to rule XXII, clause 7(c), I hereby announce my intention to offer a motion to instruct on H.R. 1, the Medicare Prescription Drug and Modernization Act of 2003.

The form of the motion is as follows:

Mr. DAVIS of Florida moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the Senate amendment to the bill H.R. 1 be instructed to reject the provisions of subtitle C of title II of the House bill.

PASS H.R. 3365, FALLEN PATRIOTS TAX RELIEF ACT

(Mr. GIBBONS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GIBBONS. Mr. Speaker, I rise this evening to express my strongest support for H.R. 3365, the Fallen Patriots Tax Relief Act. This bill addresses one of the most outrageous and unjust practices that I have ever witnessed as a Member of Congress.

Mr. Speaker, as a Member of this body, as a veteran of two wars, but more importantly as an American, it angers me to think that after losing a loved one in combat, a grieving family could be ordered to pay taxes on a gift presented to them on behalf of a grateful Nation.

Our men and women in uniform and the families who love them deserve the tremendous respect and gratitude of this Nation. We can show our respect and gratitude by repealing this onerous and unjust tax. Our Nation is truly grateful for the sacrifices of our men and women in uniform, and I urge my colleagues to join me in supporting our veterans and vote yes on H.R. 3365.

SPECIAL ORDERS

The SPEAKER pro tempore (Mr. PORTER). Under the Speaker's announced policy of January 7, 2003, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

NATIONAL DOMESTIC VIOLENCE AWARENESS MONTH

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Kansas (Mr. MORAN) is recognized for 5 minutes.

Mr. MORAN of Kansas. Mr. Speaker, tonight I rise to recognize October 2003 as National Domestic Violence Awareness Month. Fortunately, in recent years we have made great strides in bringing attention to domestic violence and in providing assistance to its victims. It is critical that we raise awareness of the problem because domestic violence has historically been considered a private matter.

During 2001, there were almost 700,000 incidents of domestic violence. As we concentrate on national security and the economic state of our country, we cannot forget the crimes that disrupt homes and families in each and all of our communities. The fact is that domestic violence is occurring at an alarming rate. Recent statistics show that domestic violence makes up 20 percent of all violent crimes against women, and accounts for 33 percent of female murder victims. During 2001 in Kansas alone, one domestic violence incident occurred every 26 minutes.

Throughout this past year, I have spent time visiting with the domestic violence program directors in my district, and they have shared with me their concerns that domestic violence shelters and support agencies are now seeing victims with even more complicated needs. During these tough economic times, it is more difficult to find jobs and affordable housing to make women more self-sufficient and to give them the independence to escape their abusive environments.

With almost 20,000 incidents of domestic violence occurring in Kansas in 2001, the nine domestic violence service centers in the rural, 69-county district I represent are striving to serve all those in the community who may be affected by abuse. Our experience in Kansas has shown that proximity and access to safe facilities is crucial to helping women and children escape abusive environments.

Education and comprehensive community involvement are also essential to providing services and holding batterers accountable. Directors, employees, and volunteers work very hard to help domestic violence victims, but they cannot do it alone. In my district, domestic violence centers strengthen ties to the community by including law enforcement officers, county attorneys, social workers, and business leaders on their governing boards. In addition, agencies in Kansas are able to draw upon the resources of a statewide network through the Kansas Coalition Against Sexual and Domestic Violence.

Congress also plays a role in preventing domestic violence and helping victims. Most domestic violence shelters are dependent primarily upon grants and local donations. Federal grants, made possible under the Violence Against Women Act, provide essential funds for prevention, enforcement, response, prosecution and victim services. We must continue to ensure that our shelters and crisis centers receive adequate funding.

Although we are generating increased awareness of domestic violence during the month of October, this is a crime that demands attention all year long. I appreciate the commitment of those who work every day to help victims of domestic violence, and I applaud the efforts of those nine service centers in my district, including Dodge City, Emporia, Garden City, Hays, Hutchinson, Liberal, Salina, and Ulysses, Kansas. Through education, funding, and support, we must continue to work together to provide safe environments for victims and end the tragic cycle of domestic violence.

□ 2015

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 2443, COAST GUARD AND MARITIME TRANSPORTATION ACT OF 2003

Mr. HASTINGS of Washington, from the Committee on Rules, submitted a privileged report (Rept. No. 108–331) on the resolution (H. Res. 416) providing for consideration of the bill (H.R. 2443) to authorize appropriations for the Coast Guard for fiscal year 2004, to amend various laws administered by the Coast Guard, and for other purposes, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.J. Res. 75, FURTHER CONTINUING APPROPRIATIONS, FISCAL YEAR 2004

Mr. HASTINGS of Washington, from the Committee on Rules, submitted a privileged report (Rept. No. 108–332) on the resolution (H. Res. 417) providing for consideration of the joint resolution (H.J. Res. 75) making further continuing appropriations for the fiscal year 2004, and for other purposes, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION WAIVING POINTS OF ORDER AGAINST CONFERENCE REPORT ON H.R. 2691, DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS ACT, 2004

Mr. HASTINGS of Washington, from the Committee on Rules, submitted a privileged report (Rept. No. 108–333) on the resolution (H. Res. 418) waiving points of order against the conference report to accompany the bill (H.R. 2691) making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2004, and for other purposes, which was referred to the House Calendar and ordered to be printed.

HONORING MARTHA GIBBONS, LATE WIFE OF FORMER CONGRESSMAN SAM GIBBONS

The SPEAKER pro tempore (Mr. PORTER). Under a previous order of the House, the gentleman from Florida (Mr. DAVIS) is recognized for 5 minutes.

Mr. DAVIS of Florida. Mr. Speaker, tonight I rise in honor of Martha Gibbons, who hand in hand with her husband, former Congressman Sam Gibbons, faithfully and selflessly served the Tampa Bay area.

Sam and Martha were partners in all that they did. During Sam's 34 years in Congress, Martha was Sam's right hand. From her desk in his office, Martha helped Sam respond to letters from constituents, and she gave countless tours of the Capitol to visitors from Tampa. Martha served as Sam's campaign manager and joined him on all his travels, both in his congressional district and around the world. Sam served as chairman of the House Committee on Ways and Means Subcommittee on Trade and, by his side, Martha played an important role in representing the United States during international trips and meetings.

While in Washington, Martha also served as president of the Congressional Club, the International Friends Club, and the Florida House Foundation; and throughout her life she was active in a host of civic and charitable organizations. Tampa Bay residents will always see Martha's legacy at the University of South Florida in Tampa. Martha worked with her husband to provide the legislative authority for the creation of the University of South Florida. The Sam and Martha Gibbons Alumni Center located on the USF campus in Tampa stands in honor of their efforts.

Those who had the pleasure of getting to know Martha will remember her warmth and graciousness, her boundless energy, and the strength with which she supported all of her husband's endeavors in our community. Martha was and always will be a near-perfect model of grace and the best of Southern charm and hospitality. She represented our community in a manner that made us very proud. Tampa, Florida, and the entire Nation is a better place in countless ways thanks to Martha's work.

Martha's recent passing, I know, is an enormous loss for Sam, their three very talented sons and seven grandchildren. On behalf of the Tampa Bay community and all of us here in Congress, I extend my deepest sympathies.

PRESCRIPTION DRUGS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana (Mr. BURTON) is recognized for 5 minutes.

Mr. BURTON of Indiana. Mr. Speaker, for some time, the gentleman from Minnesota (Mr. GUTKNECHT), the gentlewoman from Missouri (Mrs. EMERSON), myself and a number of others, Congressmen from the Democrat side, the gentleman from Vermont (Mr. SANDERS), our independent Congressman, have been working very hard to make sure that Americans do not pay any more for their pharmaceutical products than they do in other parts of the industrialized world.

One of the things we found out when we were doing our investigation was that some of the pharmaceutical products that are sold in Canada sell for one-seventh or one-eighth or one-tenth of what they sell for in the United States. Tamoxifen, for instance, which is one of the drugs of choice for a woman who has breast cancer, costs seven times as much in the United States as it does Canada. That just is not right. Americans should not pay a disproportionate amount of the costs of research and development for a pharmaceutical product or advertising or anything else as they do in other parts of the world.

Yet Americans are bearing an undue amount of the burden of producing these products. Toward that end, a number of us have been working to try to get that changed through reimportation of pharmaceutical products from Canada, from Germany, from Spain, from other industrialized nations so that Americans get the benefit of the lower prices. The prices of pharmaceuticals have been rising at about 15 percent a year and Americans simply cannot afford that tremendous amount of increase year after year after year. We have seniors that are going to pharmacies with prescriptions saying, how much is it? If it is too much, they say, well, maybe I'll be back tomorrow. Or maybe they buy half a prescription and they split it in two, and that is not sufficient for the problems that they face. So we have been working on this.

We now find that we have a lot of allies in the States around this country. Governor Blagojevich of Illinois, one of our former Democrat colleagues from the Congress, did some research and found out in the State of Illinois for State employees, the State would save $91 million a year in Illinois alone if they went to a reimportation plan. Today, Mayor Bloomberg of New York, a Republican, has said that he is going to look into this to try to do it to save money because New York is strapped for cash. The Governor of Minnesota, a Republican, has said that he is going to do it, and it is going to save tens of millions of dollars for the State of Minnesota. The Governor of Iowa is working on it. The mayor of Springfield, Massachusetts.

Mayors in Vermont and across the country, Governors and mayors, are starting to realize that they are strapped for cash and need money to run their governments for fire protection, education, safety and other causes; and they need that money. They either raise it through taxes or find ways to economize in their States and cities. They have found they can save tens of millions of dollars across this country in each city and State by buying pharmaceutical products from outside the United States, the very same products that we buy here, made by the same manufacturers. There is no difference. The only difference is Americans pay six or seven times or as much as 10 times more than they do in other countries. That is not right.

There is a groundswell of support to bring about positive change in the cost of pharmaceuticals across this Nation. It is a groundswell that is not going to stop.

I would like to say to my friends in the pharmaceutical industry, it is time to sit down and reason with Members of Congress to try to find a solution to this problem rather than have Americans having to import the same products you are selling here in the United States from other countries. It makes no sense for you to sell them to Canada and for us to have to reimport them in order to save the taxpayers, the people of this country, millions of dollars and save the Governors and mayors of the States and cities of this country millions and maybe even billions of dollars. We spend over $200 billion a year for State and Federal employees for their pharmaceutical products, I understand; and it is estimated by experts we can save 30 percent, that is, $60 billion a year could be saved if we had a fair pricing like they do in Canada, Spain, Germany, and elsewhere. That could pay for the Medicare prescription drug program that we have all been talking about.

We need to get with the program. The pharmaceutical industry needs to get with the program. We want them to make a profit. We want them to have money for research and development, and we want them to get their tax credits; but we do not want them to burden the American taxpayer with all of these expenses, and that is what is going to happen if we do not deal with this now.

I would just like to say once again, Mr. Speaker, if anybody in the pharmaceutical industry is listening, we want to work with you to solve this problem; but one way or another, Americans are going to get a fair price for their pharmaceutical products. If we have to fight for reimportation, we will do it that way; or we will deal with you to do it a better way.

THE ECONOMY'S TRUE VICTIMS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. GREEN) is recognized for 5 minutes.

Mr. GREEN of Texas. Mr. Speaker, I rise this evening to remind my colleagues of our most pressing domestic problem, the plight of our unemployed workers. I really should not have to offer this reminder to my colleagues. The recent newspaper headlines and the heart-wrenching stories from our unemployed constituents should be reminder enough. But it looks like this Chamber's leadership unfortunately needs to be reminded that the true victims of this recession are not corporations, but the millions of Americans who have lost their jobs over the last 3 years.

It is no secret that our manufacturing industry has been the hardest hit. Of the 3.2 million jobs lost over the past 3 years, 2.7 million of them were good-paying manufacturing jobs that provide a livable wage and sustain this country's middle class. These job losses were not the result of increased American productivity. They are the result of flawed American tax and trade policies that actually provide incentives for American companies to ship their jobs overseas. That is right, to ship these jobs overseas. In the name of free trade, we have forced our companies to compete against businesses in countries with no or little environmental standards and labor standards and that pay their workers low wages. And how do our companies react? They are forced to scour their books to find any and every cost to cut. They cannot disregard environmental regulations because that is the law. They cannot deny their American workers fair labor protections because that is the law. But what they can do is reduce labor costs by moving production to an overseas land without these worker or environmental protections.

Despite all that this country has sacrificed for free trade, the World Trade Organization, the WTO, has now ruled that this country's foreign sales corporation and extraterritorial income laws are illegal tax subsidies. Considering that these tax provisions were enacted specifically to help our manufacturing sector, this ruling comes at an extremely difficult time for the manufacturing and other export industries. With a staggering trade deficit that seems only to rise, the last thing our export industry needs is to be slapped with $4 billion in sanctions from the WTO.

So the answer is clear. Congress must fix the problem to comply with international trade law. If only it were so easy. Our friends on the Committee on Ways and Means, the gentleman from Illinois (Mr. CRANE) and the gentleman from New York (Mr. RANGEL), have recognized the burden that a solution would place on our manufacturers who receive billions of dollars annually from these laws. They also recognize the tremendous impact that the manufacturing sector has on our country, that manufacturing has long been the engine of economic growth in this country. Not only does the manufacturing industry drive our gross domestic product, our GDP; it drives our job

growth. In fact, every million dollars in manufacturing sales creates 14 jobs, eight in manufacturing and six in our service sector. In contrast, every million dollars sold in the service sector only creates 3.5 jobs.

So when faced with tight budgets and record unemployment, it does not take a genius to see that we get the most bang for our buck by shoring up our manufacturing sector. The gentleman from Illinois and the gentleman from New York have put forth a bill that would fix this tax provision while mitigating the negative effects on our manufacturing industry. Most important, however, the aptly titled Jobs Protection Act would provide the necessary incentives to keep these well-paying manufacturing jobs here in the United States. With this bill they hit the nail on the head. The AFL–CIO knows it, the National Association of Manufacturers knows it, and 149 of my colleagues know that this is the right direction to go.

Unfortunately, it is becoming all too clear that the fix is on. Just this morning, the Committee on Ways and Means chairman rammed a competing bill through his committee. Sure this bill fixes our problem with the WTO, but it only exacerbates the problems experienced by our manufacturing sector. They will tell you that the Thomas bill cuts the tax rate for manufacturing and production income, and it does; but it also includes a package of international tax provisions that only encourages companies to send more of their production jobs overseas. Sure we want to increase our exports, but I want those exports to be American products, not American jobs. The Thomas bill's focus on multinational corporations at the expense of our manufacturing workers is no way to restore strength to our ailing manufacturing sector. And it is no way to alleviate this country's unemployment problems, either.

When we consider these issues, let us remember that our unemployed workers are the true victims of our economic downturn. Let us keep in mind that they are desperately depending on us to help them. Let us not let them down.

OXI DAY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Mr. BILIRAKIS) is recognized for 5 minutes.

Mr. BILIRAKIS. Mr. Speaker, I rise proudly to celebrate ''oxi'' day. The historical significance of this day and what it meant to the outcome of World War II cannot be overstated. By October of 1940, World War II had begun and the Nazi war machine was already in high gear. Along with Hitler's ally, Italian dictator Benito Mussolini, the German and Italian forces were threatening the whole of Europe. European nations were bowing to tyranny and destruction as the Germans and the Italians marched through Europe. Great Britain endured German's aerial bombardment, forcing Hitler to seek another avenue to subdue the British. Hitler intended to eliminate British operations in the Mediterranean in order to weaken their ability to deter German advances.

To achieve this, Hitler needed the Axis powers to strike at British forces in Greece. By conquering Greece, Hitler would gain access to an important connecting link with Italian bases in the Dodecanese Islands. This would give the Italians a stranglehold on British positions in Egypt where British forces were already facing attack from the Italian Army in North Africa. The British considered the defense of Egypt vital to Allied positions in the oil-rich Middle East.

On October 28, 1940, the Italian ambassador in Athens presented an insulting ultimatum to Greek Prime Minister Metaxas, demanding the unconditional surrender of Greece or Italy would declare war and invade Greece. Mussolini had given the Greek Prime Minister Metaxas 3 hours to reply.

□ 2030

Prime Minister Metaxas responded with the now historic word ''oxi,'' which means ''no'' in Greek. Italy then invaded.

It is important to note that in addition to Greece having a population seven times smaller than Italy, the disparity in their armed forces was even greater. Italy had close to 10 times the firepower of Greece in its army and navy and seven times the troops. Italy's large air force had total air superiority, since Greece had a very small defensive air force. However, despite their lack of equipment, the Greek army proved to be well-trained and resourceful. Within a week of the invasion, it was clear that Italian forces were suffering serious setbacks, despite having control of the air and fielding superior armored vehicles.

On November 14, the Greek army launched a counter-offensive and quickly drove the Italian forces back into Albania. The fighting continued for a few more months. In a last ditch effort to bring the war to a close before the Italians would be forced to ask Hitler to intervene, they launched another assault on March 12, 1941. After 6 days of fighting, the Italians made only insignificant gains, and it became clear that German intervention was necessary.

On April 6, 1941, Hitler ordered the German invasion of Greece. It took the Germans 5 weeks to finally end the conflict. This delay proved to be critical to the outcome of the war.

Due to Mussolini's humiliating defeat by the Greeks in Albania and Greece, Hitler was compelled to capture the Balkans, mainly Yugoslovia and Greece, thus delaying his Barbarossa plan to invade and capture the Soviet Union before the winter of 1941. The Greek resistance, both in Albania and in the other famous battle in Crete, altered, favorably for the allies, his Barbarossa timetable by at least 6 months.

Perhaps most importantly, the Germans never gained the advantage against the British. Although Germany had conquered much of Europe, its inability to decimate British and Russian forces early in the war would eventually prove to be fatal. Thanks to the heroic Greek resistance and their countless sacrifices, the war tide had been permanently changed for Hitler due to the delay of this critical timetable.

Nearly one million Hellenes died during that time. That was 14 percent of the population in 1940. That is equivalent, Mr. Speaker, to losing 39 million people in this country today in the case of a war to defend our country.

The entire Western world, discouraged and fearful of the Axis powers and the growing ugly war, took hope from these incredible victories. British Prime Minister Winston Churchill said of the Greeks, ''Today we say the Greeks fight like heroes; from now on we will say that heroes fight like Greeks.''

A very small number of those Greeks who fought like heroes are still alive today. Some now are American citizens. One of these heroes lives in my Congressional district, Mr. Demetrios Palaskas, who, along with others, has shared those traumatic stories of the mountain fighting by the rag-tag Greeks against such a powerful equipped invader. We all salute you, Mr. Palaskas, you and your many fellow heroes, for helping to keep the world free.

Mr. Speaker, ''oxi'' day is an inspiration to all those who cherish democracy and freedom. It marks defiance against terrible odds. As an American of Greek descent, I am proud to honor the memory of those brave patriots who fought for freedom for themselves and ultimately for all the free world on this important day.

CONCERNS REGARDING INTERIOR APPROPRIATIONS CONFERENCE REPORT

The SPEAKER pro tempore (Mr. PORTER). Under a previous order of the House, the gentleman from New Jersey (Mr. PALLONE) is recognized for 5 minutes.

Mr. PALLONE. Mr. Speaker, I want to express my deep concerns regarding the fiscal 2004 Interior appropriations conference report which was just reported out of the Committee on Rules, and in particular a provision relative to American Indian trust accounts. This provision would prevent the use of any Federal funds to conduct a complete historical accounting of Individual Indian Money Accounts as recently ordered by the U.S. District Court for the District of Columbia.

Mr. Speaker, this provision should not be included in the Interior conference report because it was not included in S. 1391, the Senate-passed Interior appropriations bill, or H.R. 2691, the House-passed Interior appropriations bill. Furthermore, this provision completely circumvents the House Committee on Resources, which retains authority over all issues impacting Native Americans, including trust reform.

I would like to point out this is the not the first time language has been inserted into the Interior appropriations bill that would seek to legislate a resolution to the trust reform issue. Just this past July there was an attempt to add similar language that would have authorized the Secretary of Interior to unilaterally settle any claim relating to the balance of the individual Indiana accounts. That language was successfully stricken from the Interior appropriations bill before the bill was subsequently approved by the House.

At that time, members of the Committee on Resources were told that they would have an opportunity to come up with a legislative solution to the trust reform issue without interference by the appropriators. The Committee on Resources has begun a series of hearings on the issue, with an eye towards accomplishing that goal in this Congress. But it was envisioned that Congressional action would complement the court action and not circumvent it.

While this bill contains some provisions that are Native American friendly, if this language is allowed to move forward the negative effects will be felt throughout Indian Country. Prohibiting the Department of Interior to use Federal funds to implement the U.S. District Court's decision essentially permits the Department to do nothing to move towards settlement of the Individual Indian Money Accounts, and only further delays resolving a century old dispute.

Mr. Speaker, a fair and equitable resolution to trust reform can only be reached by having all the necessary stakeholders at the negotiating table. Accordingly, I urge my colleagues to vote no on the Interior appropriations conference report, and I hope that this provision relative to the American Indian Trust Accounts can be stricken from the bill before it is finally sent to the President for his signature.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. BURGESS) is recognized for 5 minutes.

(Mr. BURGESS addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

DO RIGHT BY OUR MILITARY FAMILIES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Massachusetts (Mr. MCGOVERN) is recognized for 5 minutes.

Mr. MCGOVERN. Mr. Speaker, yesterday was the bloodiest day in Iraq since our forces took control of the country. These latest deaths of humanitarian relief workers, Iraqi police and another American serviceman illustrate the extreme dangers that continue to confront our military and the civilian population in Iraq.

When the President commands and Congress authorizes to send our sons and daughters, fathers and mothers into harm's way, then we have a special duty to take care of the families and the survivors of those servicemen and women who sacrificed their lives.

This is why, Mr. Speaker, I strongly support increasing the military death gratuity to $12,000, restoring its tax exempt status and providing these funds to the families and the survivors of those Armed Forces personnel who have perished on or following September 11, 2001. I am very pleased that the House will vote on this urgent matter tomorrow.

As of this morning, 350 American military personnel have lost their lives in Iraq. At least 67 others have perished in Operation Enduring Freedom, mainly in Afghanistan. Among those who have fallen are nine men from Massachusetts, including Marine Captain Benjamin W. Sammis, age 29, from the town of Rehobeth in my own Congressional District. They range in age from 20 to 40. They served in the Army, the Marines and in the Army National Guard. They were privates, specialists, sergeants, lieutenants and captains, and they lost their lives in Afghanistan, the Philippines and Iraq.

Every day we awake to news of yet another American who has paid the ultimate sacrifice for service to our country. At such times, it matters not at all whether you are liberal or conservative, Republican or Democrat. In the face of such loss, we are united in sorrow and in our common need to express our respect and condolences to the families and loved ones of that soldier, sailor, airman or marine.

We are also united in wanting to ensure that the surviving family's most pressing needs are provided for. Currently these families receive only $6,000 as a death benefit, and half of that is subject to tax. Mr. Speaker, that is simply wrong.

On September 5, I introduced H.R. 3019, to increase the military death gratuity to $12,000, exempt it from taxes and make it retroactive to September 11, 2001. My colleague the gentleman from Arizona (Mr. RENZI) recently introduced nearly identical legislation, H.R. 3566, and it is his bill that the Republican leadership will move to the floor tomorrow.

Mr. Speaker, I am proud to be a cosponsor of his bill, and the gentleman from Arizona (Mr. RENZI) and others will be speaking about it later this evening. I am pleased that the House leadership has turned its attention to this matter, and I urge all my colleagues on both sides of the aisle to vote in favor of H.R. 3566 tomorrow.

Mr. Speaker, it is no secret to the Members of this House that the current military death gratuity needs to be fixed. Historically, the death gratuity has been tax exempt. But when Congress last increased the death benefit to $6,000, half of this amount became subject to taxation. On several occasions Congress has attempted to rectify this mistake by passing the Armed Forces Tax Fairness Act. Unfortunately, that bill remains stalled at the Speaker's desk.

While efforts are underway in the defense authorizations conference to double the death benefit and make it retroactive to September 11, 2001, only passage of H.R. 3566 can remedy the unfair tax burden on our military families.

Mr. Speaker, tomorrow the House will do the right thing by our military families and pass H.R. 3566. I would urge the House majority leadership to ensure that the other body also approves the bill and sends it to the President before Congress adjourns. Only if this bill becomes law can we guarantee that grieving families are not burdened with an unexpected tax bill.

But, Mr. Speaker, that is not enough. I also call on the House Republican leadership to act now to ensure the Armed Forces Tax Fairness Act be sent to the President so that other tax incentives that benefit our uniformed men and women, especially our Guard and Reserves, may go into effect.

It is astonishing to me that this Congress can provide billions of dollars in tax relief to the wealthiest in our society, but it fails to move this modest set of tax incentives for the men and women who put their lives on the line every single day in defense of freedom. So while I am glad that tomorrow we will do something positive, we still have much more to do before the actions of this Congress match its rhetoric.

Mr. Speaker, I include for the record the names of the Massachusetts military personnel who have fallen in combat since September 11, 2001.

MEMBERS OF U.S. ARMED FORCES FROM MASSACHUSETTS KILLED IN ACTION OR DIED WHILE ON ACTIVE DUTY, SEPTEMBER 11, 2001 TO CURRENT DATE

(Information may be partial or incomplete.)

(Sources: CNN ''Forces: U.S. and Coalition Casualties'' and Central Command Public Affairs Office/U.S. Department of Defense)

(1) Staff Sergeant Joseph P. Bellavia, Age: 28, Unit: 716th Military Police Battalion, 16th Military Police Brigade, XVIII Airborne Corps, U.S. Army, Hometown: Wakefield, MA, Date and Place of Death: October 16, 2003 in Karbala, Iraq.

(2) Specialist Mathew G. Boule, Age: 22, Unit: 2nd Battalion, 3rd Aviation Regiment, 3rd Infantry Division, U.S. Army, Hometown: Dracut, MA, Date and Place of Death: April 2, 2003 in central Iraq.

(3) Staff Sergeant Joseph Camara, Age: 40, Unit: 115th Military Police Company, Army National Guard, Hometown: New Bedford, MA, Date and Place of Death: May 21, 2003 in an area south of Baghdad, Iraq.

(4) Sergeant Justin W. Garvey, Age: 21, Unit: 1st Battalion, 187th Infantry Regiment, 3rd Brigade, 101st Airborne Division, U.S. Army, Hometown: Townsend, MA, Date and Place of Death: July 20, 2003 in Tallifar, Iraq.

(5) Private First Class John D. Hart, Age: 20, Unit: 1st Battalion, 508th Infantry Regiment, 173rd Airborne Brigade, U.S. Army, Hometown: Bedford, MA, Date and Place of Death: October 18, 2003 in Taza, Iraq.

(6) 1st Lieutenant Brian M. McPhillips, Age: 25, Unit: 2nd Tank Battalion, 2nd Marine Division, U.S. Marines, Hometown: Pembroke, MA, Date and Place of Death: July 27, 2003 in central Iraq.

(7) Captain Benjamin W. Sammis, Age: 29, Unit: Marine Aircraft Group 39, 3rd Marine Aircraft Wing, U.S. Marines, Hometown: Rehobeth, MA, Date and Place of Death: April 4, 2003 in Ali Aziziyal, Iraq.

(8) Sergeant First Class Daniel H. Petithory, Age: 32, Unit: U.S. Army, Hometown: Cheshire, MA, Date and Place of Death: December 5, 2001 in Afghanistan.

(9) Staff Sergeant Bruce A. Rushforth, Jr., Age: 35, Unit: U.S. Army, Hometown: Middleboro, MA, Date and Place of Death: February 21, 2002 in the Philippines.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. HENSARLING) is recognized for 5 minutes.

(Mr. HENSARLING addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

SUPPORTING THE FALLEN PATRIOTS TAX RELIEF ACT

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Indiana (Ms. CARSON) is recognized for 5 minutes.

Ms. CARSON of Indiana. Mr. Speaker, I do not want to be redundant in terms of the eloquence of my predecessor, the gentleman from Massachusetts (Mr. MCGOVERN), and what he has already so adequately articulated, but I rise in support of what was initially the McGovern bill, referred to as the Fallen Patriots Tax Relief Act, and I will support, of course, the Renzi bill, which I understand will be considered on the floor tomorrow, also known as the Fallen Patriots Tax Relief Bill.

Mr. Speaker, I want to commend the gentleman from Massachusetts (Mr. MCGOVERN) for bringing this subject matter to the ears and eyes of America, and particularly to the House of Representatives, which has responsibility for its passage. The bill will increase the military benefit to $12,000 and make it tax exempt, an idea certainly that is long overdue in terms of its implementation.

We cannot be concerned about the cost of the bill. I have been reading the CQ reports and other analyses of what this bill will eventually cost, particularly that section that suggests that it go back retroactively to September 11, 2001 and provide exemption for those who were in the service at that time forward.

Currently 340 American military personnel have lost their lives in Operation Iraqi Freedom, and 92 in Operation Enduring Freedom in Afghanistan and in the Philippines. While an examination of the bill shows it does in fact impose a great cost on the American people, the cost of the lives cannot be measured in terms of dollars.

The death tax gratuity payment of $6,000, of which $3,000 is taxable, is proposed to be increased to $12,000 in terms of the gratuity payment, and the entire amount would be tax-free, which is, of course, no less than right. The deceased's surviving spouse, parents, children, brothers and sisters should not have to worry about running afoul of the IRS because their loved one just lost their life in the line of duty. The bill also extends the filing deadline for income tax purposes, an idea, of course, whose time has come and passed.

I want to commend the authors of both bills for bringing this very needed legislation to the House, Mr. Speaker, and also the fact that it provides the National Guard and Reserve members an above-the-line tax deduction for overnight transportation, meals and lodging expenses for those who travel more than 100 miles.

□ 2045

The National Guard is indeed a vital aspect of our military operation of this Nation and should be treated with respect and with the kind of exemptions that they so rightly deserve.

I understand that the bill also, Mr. Speaker, eliminates the qualifying 5-year period from capital gains on the sale of the residence while the taxpayer or taxpayer's spouse serves on qualified official extended duty as a member of the Armed Forces or the foreign services.

Again, Mr. Speaker, I am proud that the House of Representatives has come to this point to rectify an injustice that has existed in law insofar as it has affected the military men and women who serve and who sacrifice and so many of them who lose their lives as a result of preserving the freedom of this Nation. I support the legislation, and I encourage Members of the House to do likewise.

The SPEAKER pro tempore (Mr. PORTER). Under a previous order of the House, the gentleman from Florida (Mr. FEENEY) is recognized for 5 minutes.

(Mr. FEENEY addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

EXCHANGE OF SPECIAL ORDER TIME

Mr. GUTKNECHT. Mr. Speaker, I ask unanimous consent to claim the time of the gentleman from Florida.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

AN IDEA WHOSE TIME HAS COME

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Minnesota (Mr. GUTKNECHT) is recognized for 5 minutes.

Mr. GUTKNECHT. Mr. Speaker, this afternoon and earlier in the Special Orders, our colleague, the gentleman from Indiana (Mr. BURTON), talked about a meeting that we had, a forum that we conducted today in Boston, Massachusetts. We had about seven or eight Members of the House, and we had a forum talking about the issue of prescription drugs and how much Americans pay for prescription drugs relative to what industrialized countries around the world pay for those same drugs. It was sort of appropriate that we had this forum in Boston; and I observed at the beginning of the meeting that a little over 200 years ago there were patriots who began to throw tea in Boston Harbor because a king in England had imposed a half-penny tax on tea, and they were mad as hell and they were not going to take it anymore. That same spirit of that Boston Tea Party was alive today and that spirit is growing.

At that forum we had Governor Pawlenty of the State of Minnesota. I have to tell my colleagues I was so proud of him because he outlined the plan that he has for Minnesotans to allow them to have access to world-class drugs at world market prices. Now, he did not put a number on it, but my estimate is that Minnesotans will save at least $50 million by simply opening up markets as we do with virtually every other product. He also said in his remarks that the States are the laboratories of democracy and that it is time for the States to take the leadership and demonstrate what can be done in terms of opening up markets and saving consumers billions.

We also had the Attorney General from the State of Massachusetts. He made a very good point, that as these big pharmaceutical companies now are reaching out and saying we are not going to ship as many drugs to Canada, he reminded us and them that there are antitrust laws on the books and if the Federal Government will not enforce them, then the States will.

We also had representatives from Governor Blagojevich from the State of Illinois who talked about their plan and his plan and how he believes that they can save the State of Illinois $91 million. That is $91 million that can be spent on children. That is $91 million that can be spent on firefighters and police officers to keep the State safer.

We also had Dr. Steve Schondelmeir, who is a pharmacist himself, teaches pharmacology at the University of Minnesota. He estimated that Americans next year will spend at least $220 billion on prescription drugs. He went on to say that he believed that if you simply opened up markets, that markets would begin to level. He agrees with me or I agree with him that the goal is not for Americans to go to other countries to buy prescription drugs; the goal is to open up markets, and markets level. Prices here in the

United States would come down at least 30 percent.

Now, I am not good in mathematics, but 30 percent of $220 billion is over $60 billion a year. That would be the largest tax cut we could ever give the American people. If the goal of the tax cut is to allow Americans to keep and spend more of their own money, then market access certainly should be part of that equation.

We also had Dr. Elizabeth Wenner, who has her own program going in the State of Vermont to encourage the patients there in her clinics to buy their drugs and make it easier for them to legally and safely buy those drugs from pharmacists across the border in Canada. She has numbers to demonstrate how much their patients have saved; and the average, believe it or not, is over 60 percent.

Then we had Mayor Albano, the mayor of Springfield, Massachusetts. He began his voluntary plan for city employees there and he has only been operating for a few months, and his estimates are that they have saved $600,000. We are talking about real money, I say to my colleagues. It is not just about seniors; it is about everybody.

Victor Hugo said, more powerful than an invading army is an idea whose time has come. I do not know what is going to happen in the conference committee, but I know this: you cannot hold back an idea whose time has come.

PASS THE ARMED FORCES TAX FAIRNESS ACT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. EDWARDS) is recognized for 5 minutes.

Mr. EDWARDS. Mr. Speaker, earlier this year, the House majority leader, the gentleman from Texas (Mr. DELAY), said this, and I quote: ''Nothing is more important in the face of war than cutting taxes.''

As someone who represents Fort Hood in Texas where 17,000 soldiers have left, now fighting in Iraq, I find the gentleman's priorities to be somewhat bizarre. I think he is wrong, and I think the American people would agree that he is wrong. In a time of war, nothing is more important than supporting our troops and our military families.

I find it shameful that the same majority leader who said, ''Nothing is more important than cutting taxes during a time of war,'' has actually, along with the Speaker of the House, kept bottled up right here in the well of the House for 7 months the Armed Forces Tax Fairness Act, an act that would provide some meager tax benefits for brave servicemen and -women and their families, including our military personnel now in Iraq, in Afghanistan. The same House Republican leadership who earlier this year fought so hard to pass a $230,000 tax break to American citizens making $1 million this year in dividend income cannot seem to say we can afford to pass a modest tax benefit bill for military servicemen and -women even though our Nation is at war.

I find it amazing that that same House leadership today thought that we had enough time in the Congress to rename three post offices this afternoon; but they have not had time in 7 months, in 7 months, to grab the Armed Forces Tax Fairness Act and bring it to the floor of the House, which they could do tomorrow and we could pass by unanimous consent.

I think it sends a terrible message to our military families and to those in combat, in harm's way, that we can pass a $230,000 tax break for people making $1 million in dividend income this year sitting safely in their homes and offices in America, but we cannot afford or we cannot find time to help out a little bit with real estate tax benefits, with gratuity tax benefits, which we will partly deal with tomorrow with the Renzi-McGovern bill, but also with benefits to help Guardsmen and Reservists pay for the cost of their travel and overnight stay and meals when they are doing training for our country.

Mr. Speaker, I think the House Republican leadership should explain to the American people why they would hold up the Armed Forces Tax Fairness Act simply because the Senate added an amendment, and then passed the bill unanimously, to pay for that military benefit by shutting the loophole on Benedict Arnolds who turn their backs on our country, renounce their citizenship, just to simply avoid paying American taxes. It seems to me that the gentleman from Texas (Mr. DELAY) and the gentleman from Illinois (Mr. HASTERT) should explain why, at least in their actions, they are saying, in effect, that protecting Benedict Arnolds is more important than providing tax benefits for our brave servicemen and -women.

Now, I commend the gentleman from Arizona (Mr. RENZI) and the gentleman from Massachusetts (Mr. MCGOVERN). I think the gentleman from Massachusetts (Mr. MCGOVERN) originally introduced this bill back in September, but I commend the gentleman from Arizona (Mr. RENZI) for his leadership tomorrow on the bill to provide increased death benefit gratuities, as someone who just received two death notices from Fort Hood soldiers in my district today. That is the right thing to do, although, frankly, I am not sure we should be too proud of the fact that we are increasing the military death combat benefit to surviving family members to $12,000. Families whose loved ones lost their lives in the September 11 tragedy received on average over $1 million from various sources, and yet we are increasing the death gratuity to $12,000.

Now, even that death gratuity benefit, as important as it is, and I will vote for it and we will probably pass it unanimously tomorrow; but let us keep it in perspective. If we assume approximately 300 deaths so far in the Iraqi war and in Afghanistan and in that whole combat arena, that is going to cost the American taxpayers about $1.8 million, million. Yet the House Committee on Ways and Means today found time and the affordability to pass a $40 billion tax cut to multinational corporations and, overall, a $60 billion tax cut.

Mr. Speaker, we should pass the Armed Forces Tax Fairness Act. Our servicemen and women deserve no less.

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. MILLENDER-MCDONALD) is recognized for 5 minutes.

(Ms. MILLENDER-MCDONALD addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Mr. MARIO DIAZ-BALART) is recognized for 5 minutes.

(Mr. MARIO DIAZ-BALART of Florida adddressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

EXCHANGE OF SPECIAL ORDER TIME

Mr. JONES of North Carolina. Mr. Speaker, I ask unanimous consent to claim the time of the gentleman from Florida.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

DEATH GRATUITY TAX

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Carolina (Mr. JONES) is recognized for 5 minutes.

Mr. JONES of North Carolina. Mr. Speaker, I really appreciate what the gentleman from Massachusetts (Mr. MCGOVERN) from the Democratic side and the gentleman from Arizona (Mr. RENZI) from the Republican side are doing. I want to explain as to some of the speeches I have heard tonight. This is an effort; I go back myself. I hate to talk about myself, but for 2 years I have been trying to get this death gratuity tax removed. In fairness to the leadership, both Democrat and Republican, we have passed to the Senate, five times over 2 years, a bill, a larger bill than this bill, that would have removed the death gratuity and also some of the other issues that would have been fair to our military as it relates to tax fairness that the gentleman from Texas, my friend, mentioned. I do not know about the recent bill, but the bills that we passed in the

last five times in the last 2 years would have accomplished some of these considerations for our men and women in uniform.

I just want to mention very quickly that this year, and I want to thank the gentleman from Massachusetts (Mr. MCGOVERN), my bill dealt with removing the death gratuity 2 years ago; but it was $6,000. That was the cap on the death gratuity amount. I am glad that the McGovern bill and the Renzi bill both move it up to $12,000. It is what it should be. But for me, when I started this effort 2 years ago, I say to the gentleman from Texas (Mr. EDWARDS), it dealt with eliminating the death gratuity tax.

So again I want to say that I am pleased tonight that we are all, both Republican and Democrat, believing that the military tax fairness bill that has been sent over a few months ago has not been taken up by the Senate side, and I do not know the status on this side of a second bill.

Mr. EDWARDS. Mr. Speaker, will the gentleman yield?

Mr. JONES of North Carolina. I yield to the gentleman from Texas.

Mr. EDWARDS. Mr. Speaker, first I want to commend the gentleman. He has been courageous in standing up for military families and veterans, one of only two Republicans to sign the discharge petition on concurrent receipt.

The gentleman was mistaken in that the Senate has taken no action on the Armed Forces Tax Fairness Act. They passed that unanimously 97 to 0 in March, 7 months ago. It has been sitting here at the Speaker's desk, and if the House Republican leadership would bring it to the floor tomorrow, we could pass it unanimously. Apparently, what they object to in passing the bill is closing the Benedict Arnold tax loophole.

Mr. JONES of North Carolina. Mr. Speaker, reclaiming my time, I thank the gentleman for correcting me. I was mistaken about the Senate's action and I stand corrected. I will say, and then I will yield back the balance of my time, because I think even though we all have our reasons for feeling that some action has not been taken and possibly, I will say this, that I believe that we all, in a bipartisan way, support our men and women in uniform, we support their families, and we want to make sure that those who have given their lives for this country that the families are adequately compensated; not that there is enough, quite frankly, to pay those who have given their lives for this country.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. HINCHEY) is recognized for 5 minutes.

(Mr. HINCHEY addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

EXCHANGE OF SPECIAL ORDER TIME

Mr. BROWN of Ohio. Mr. Speaker, I ask unanimous consent to claim the time of the gentleman from New York.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

FOREIGN POLICY CONCERNS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. BROWN) is recognized for 5 minutes.

Mr. BROWN of Ohio. Mr. Speaker, I appreciate the comments of the gentleman from North Carolina (Mr. JONES) and the gentleman from Texas (Mr. EDWARDS) and the good work they have done. I have come to the House floor night after night since July sharing concerns about the treatment of our men and women in uniform in Iraq, concerns about the basis of our Iraq policy, concerns about the $87 billion we are spending in Iraq, in addition to the $1 billion a week we have already been spending; about the corruption and the ineptness of the Bush administration and their all-too-often focusing more on the private contractors like Halliburton and Bechtel than they have on the safety of our armed services and our troops.

□ 2100

And as a result, Mr. Speaker, I have shared these from my constituents night after night since July about these issues. I would like to do that again this evening.

Paula from Akron, Ohio, writes, ''We need to be concerned with our troubled economy at home. This country doesn't have $87 billion to send overseas when we have an education system that is in shambles and millions out of work.''

Cory of Copley, Ohio, writes, ''Please do not give the administration another blank check so they can continue their oil wars. Tell them to pull out of Iraq and let the U.N. take control. The administration has lied to the country. Please do your part in returning our country to the people.''

I think Cory was talking about some of the statements from some of the top leaders in this country about weapons of mass destruction and other issues which have proven to be not true.

Karen of Broadview Heights writes, ''We have been way too patient with men who clearly do not know what they are doing and who do not care how much of the taxpayers' money they spend to do it.''

Michael of Strongsville writes, ''I think it is either irresponsible or insane, or perhaps both, to have huge tax cuts at the same time we are spending huge amounts for war.'' What Michael is referring to is that this Congress and the President have passed a tax cut where the average millionaire gets a $93,000 tax cut while half of the people in my State got literally zero dollars in a tax cut. ''I hope our legislative branch of government,'' Michael writes, ''deliberates long and hard before coughing up another $87 billion.''

Colette of Strongsville writes, ''To give them $73 billion more to continue their real aim, contracts for Halliburton, Bechtel, and others in corporate America, would be a crime against the people in the United States who now reel with economic deterioration at home. It is time to hold those accountable who led us into such a dark place in our Nation's history.'' What Colette is talking about, Mr. Speaker, is that we spend a billion a week today, before the $87 billion appropriation, a billion dollars a week in Iraq today.

The President has by and large privatized the military in the sense that one-third of that billion now goes to private contractors, Halliburton, Bechtel, other major companies, all of those companies are major contributors to the President, to his campaign. The President has raised almost $100 million already. Much of it comes from these companies.

I would add too that Halliburton, the company where Vice President CHENEY, before Governor Bush tapped him as his running mate, Vice President CHENEY was CEO of this company. He still is receiving $13,000 a month from Halliburton while Halliburton is getting, literally, hundreds of millions of dollars in unbid contracts.

So what we see, Mr. Speaker, and what Colette obviously is upset about, is we are privatizing, in many ways, much of the military, $300 million a week going to these private companies in unbid contracts, and those companies are still paying, in one case, the Vice President of the United States $13,000 a month.

Sandy of Hinckley, Ohio, writes, ''It is of extreme importance for the future of this country to hold President Bush accountable. We lost a great deal in human life and money for claims that even President Bush cannot now and does not now defend.''

Vera of Strongsville writes, ''I want my tax dollars rebuilding us, not Iraq or any other country. $87 billion would go a long way here in the United States. Secretary Rumsfeld and his team need to be replaced with some honest and caring people who will tell the truth and do the best things for the Iraqi people and will bring our troops home safely.''

Mr. Speaker, a couple of weeks ago when the $87 billion was approved by this body, I had an amendment that required that all U.S. companies which relocated their headquarters to an offshore tax haven would be ineligible for any government contracts. In other words, if a company moved offshore to avoid taxes, they could no longer get any government contracts to do work in Iraq.

Unfortunately, the Bush administration opposed that amendment. The Republican leadership in this House

would not even allow that amendment to be offered. That is what I mean, and what many of these letter writers mean, when they talk about the corruption and the incompetence of the Bush administration and the failure of the Bush administration to provide safe drinking water and body armor and other things for our troops to protect them and supply them in a faraway land.

CONDEMNING RELIGIOUSLY INSENSITIVE REMARKS OF GENERAL WILLIAM BOYKIN

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan (Mr. CONYERS) is recognized for 5 minutes.

Mr. CONYERS. Mr. Speaker, today 16 of my colleagues and I have introduced a resolution calling on the President of the United States to censure and reassign General Boykin for his religiously intolerant remarks against people of Islamic faith.

As Members of Congress, we should all be embarrassed and disturbed by General Boykin's controversial remarks made in uniform over a period of time which includes such statements as, quote, ''Our spiritual enemy will only be defeated if we come against them in the name of Jesus.'' ''I knew that my God was a real God and the Muslim God was an idol.'' ''Islamic extremists hate the United States because we are a Christian nation.'' And, ''President Bush is in the White House because God put him there.''

These remarks do untold damage to our efforts to reach out to the Iraqi people and the Muslim world and to battle terrorism.

Last week the President rightly criticized the Prime Minister of Malaysia for his anti-Semitic remarks by telling him his comments were, quote, ''wrong and divisive,'' end quote. I agree with these criticisms, but the administration must show the world that it is willing to condemn all religiously intolerant remarks, including those that occur within our own military.

President Bush's failure so far to criticize General Boykin's remarks make it imperative for Congress to demand action. Our Nation must show the world that we will not stand for the type of intolerant behavior exhibited by General Boykin.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON THE JUDICIARY,
Washington, DC, October 17, 2003.

Hon. DONALD H. RUMSFELD,
Secretary of Defense,
The Pentagon, Washington, DC.

DEAR MR. SECRETARY: I am writing to express my extreme displeasure over Lieutenant General William Boykin's remarks about the war and the Muslim religion. Lt. Gen. Boykin serves as deputy undersecretary of defense for intelligence and is charged with heading a Pentagon office that focuses on finding Osama bin Laden, Saddam Hussein and other targets. This is a critical policymaking position, and it is outrageous that someone who holds such extreme, closed-minded, zealous views would be allowed such a prominent position in our military.

Lt. Gen. Boykin's remarks over the past few years, including remarks that Islamic extremists hate the United States because ''we're a Christian nation,'' that ''our spiritual enemy will only be defeated if we come against them in the name of Jesus,'' that President Bush ''is in the White House because God put him there,'' and that Boykin's ''god was a real god and [the Muslim god] was an idol,'' are disgraceful and wholly inappropriate for a man in his position. These remarks are inflammatory to Muslims in our communities and abroad.

While every American has the freedom to speak his mind and express his opinion, it is essential that those who hold high profile, policymaking positions in our government exercise judgment in their public speaking. Lt. Gen. Boykin clearly lacks such judgment. I urge you to reassign or reprimand him; we cannot afford to have such an extremist speaking on behalf of our nation and our military.

Sincerely,

JOHN CONYERS, JR.
Ranking Member

LT. GEN. BOYKIN CONTROVERSY CHRONOLOGY

June 2002: William G. (''Jerry'') Boykin speaks from the pulpit at the First Baptist Church of Broken Arrow, Okla., describing photos that he had taken of Mogadishu, Somalia from an army helicopter in 1993. He said that he noticed a strange dark mark over the city and that he had an imagery interpreter trained by the military look at the mark in the photo. ''Ladies and gentlemen, this is your enemy,'' he said to the congregation as he flashed the pictures on a screen. He continued, ''It is a demonic presence in that city that God revealed to me as the enemy.''

January 2003: Boykin tells the following story in a speech at a church in Daytona, Fla.: ''There was a man in Mogadishu named Osman Atto,'' whom Boykin described as a top lieutenant of Mohammed Farah Aidid. When Boykin's Delta Force commandos went after Atto, they missed him by seconds, he said. ''He went on CNN and he laughed at us, and he said, 'They'll never get me because Allah will protect me.'" ''Well, you know what?'' Boykin continued. ''I knew that my God was bigger than his. I knew that my God was a real God and his was an idol.''

June 2003: Pentagon announces that Secretary of Defense Donald Rumsfeld has nominated Boykin for a third star and names him to a new position as deputy undersecretary of defense for intelligence. Boykin's duties include reinvigorating Rumsfeld's ''High Value Target Plan'' to track down Osama bin Laden, Saddam Hussein, Mullah Omar and other terrorist leaders. Boykin speaks from the pulpit of the Good Shepherd Community Church in Sandy, Ore., displaying slides of Osama bin Laden, Saddam Hussein, and North Korea's Kim Jung I. He asks the congregation, ''Why do they hate us? The answer to that is because we're a Christian nation. . . .We are hated because we are a nation of believers.'' Our ''spiritual enemy,'' Boykin continued, ''will only be defeated if we come against them in the name of Jesus.''

October 15, 2003: Audio and videotapes of Boykin's appearances before religious groups while wearing his Army uniform over the last two years surface and are reported on by NBC News on the ''Nightly News with Tom Brokaw.''

October 16, 2003: Rumsfeld declines to criticize Boykin's remarks and praises the general's military record. Gen. Richard Myers, chairman of the Joint Chiefs of Staff, issues a statement that he did not think Boykin broke any rules.

October 17, 2003: Pentagon officials confirm General Meyers' assessment and report that lawyers in the Department of Defense General Counsel's office found no legal grounds for action against Lt. Gen. Boykin after a preliminary review of Boykin's reported remarks. Rep. John Conyers, Jr. sends a letter to Defense Secretary Rumsfeld calling for him to reassign or reprimand Boykin, arguing that ''While every American has the freedom to speak his mind and express his opinion, it is essential that those who hold high profile, policymaking positions in our government exercise judgment in their public speaking. Lt. Gen. Boykin clearly lacks such judgment.'' Senate Armed Services Committee Chairman John Warner joined the ranking minority member of his committee, Sen. Carl Levin, in asking Defense Secretary Rumsfeld to refer this matter to the Department of Defense Inspector General to conduct an investigation into the conduct and remarks made by Boykin and asking that Boykin be reassigned while the investigation was pending. Boykin issues an apology to ''. . . those who might have been offended by [his] statements . . .'' and denied he was anti-Islam.

October 20, 2003: In response to a statement made by Malaysia's Prime Minister Mahathir Mohamad that ''the Jews rule the world by proxy'' and that Islamic nations should unite against being ''defeated by a few million Jews,'' President Bush takes Mohamad aside during the economic summit in Bangkok and tells him that what he said was ''wrong and divisive,'' and that ''it stands squarely against what I believe in.''

October 21, 2003: Rep. Conyers issues a statement to Rumsfeld arguing that the ''Inspector General review of General Boykin's statements . . . is insufficient to deal with the growing controversy.'' Rep. Conyers continues, ''What we need from the Administration now is a clear and resolute condemnation of remarks which are hateful and racist in nature and content. The fact that General Boykin, our lead military official in charge of rooting out terrorism, can be permitted to spew invectives which undermine not only our friends and allies, but millions of our own citizens without being reassigned from his sensitive position is shameful.''

October 22, 2003: President Bush is asked by reporters about Gen. Boykin's comments during his trip to Asia. Bush says that the subject had come up during his meeting with Muslim leaders from Asian countries and offers a mild rebuke of Gen. Boykin's controversial statements: ''I said, [Boykin] didn't reflect my opinion . . . it just doesn't reflect what the government thinks.'' Bush goes on to say that Gen. Boykin will not be reassigned as a result of his controversial remarks.

H. RES. 419

Whereas Lieutenant General William Boykin, United States Army, who is currently serving as Deputy Under Secretary of Defense for Intelligence and War-Fighting Support, has recently made a number of intolerant remarks against people of the Islamic faith while wearing his military uniform during numerous public addresses;

Whereas those remarks by Lieutenant General Boykin include the following: Islamic extremists hate the United States because ''we're a Christian nation''; ''Our spiritual enemy will only be defeated if we come against them in the name of Jesus''; President Bush ''is in the White House because God put him there''; ''I knew that my God was a real God, and [the Muslim God] was an idol''; ''The enemy that has come against our nation is a spiritual enemy'' named Satan;

Whereas Islam is a monotheistic faith, a faith whose followers are an integral part of the social fabric of America and many other countries;

Whereas the position currently held by Lieutenant General Boykin requires him to interact routinely with Muslims from all over the world;

Whereas Lieutenant General Boykin has failed to retract his remarks or to issue a full apology for those controversial and divisive statements;

Whereas the remarks made by Lieutenant General Boykin have impaired the image of the United States worldwide and threaten to endanger United States forces in Iraq and Afghanistan; and

Whereas such remarks by a high-ranking military official undermine the war on terrorism by insulting Muslim allies of the United States and Muslim citizens of the United States, including those Muslim citizens in the United States Armed Forces: Now, therefore, be it

Resolved, That the House of Representatives—

(1) condemns bigotry and intolerance against any religious group, including people of the Islamic faith; and

(2) calls on the President—

(A) to clearly censure Lieutenant General William Boykin, United States Army, for his religiously intolerant remarks against people of the Islamic faith; and

(B) to reassign Lieutenant General Boykin to a new position in which his views will not impact United States Government policy decisions toward Muslims.

HOW IS A SURGEON TO SURVIVE IN BUSINESS?

The SPEAKER pro tempore (Mr. PORTER). Under a previous order of the House, the gentleman from Georgia (Mr. GINGREY) is recognized for 5 minutes.

Mr. GINGREY. Mr. Speaker, I rise again this week as I have done in previous weeks to call attention to declining Medicare reimbursement for physicians. Effective January 1, 2004, physicians and other providers paid pursuant to the Medicare physician fee schedule face at least a 4.2 percent cut in reimbursements.

For nearly 40 years, Medicare has provided necessary health care to those millions of patients across this country. Another steep cut in reimbursement rates is now forcing many physicians who care for Medicare patients to make very difficult choices. Complicating the situation, Mr. Speaker, further, is the fact that doctors in some areas are experiencing double and even triple-digit percentage increases of their liability premiums. In a host of States, like my State of Georgia, surgeons are scrambling to find affordable liability insurance, if it is available at all.

When doctors are forced out of practice, patient access to care is further compromised. Fewer doctors overall translates into greater difficulty obtaining an appointment for every patient but especially those who rely on Medicare.

Earlier this year we passed H.R. 5, the HEALTH Act to combat the problem of increased liability premiums at the Federal level. Unfortunately, this commonsense legislation has now languished in the Senate. I reiterate my support for this bill, and I urge its swift passage by the entire Congress so that President Bush can sign it into law this year.

Until that time, however, one of the main costs of running a medical practice for many high-risk specialists, including general surgeons, will continue to be liability insurance. Looking at this chart, you can easily see that increases in liability premiums have grossly outpaced Medicare reimbursement.

Using information collected by the independent trade publication Medical Liability Monitor, this chart compares the average liability premiums for general surgeons to the Medicare physician payment update. In 2001, physicians received a 5.1 percent Medicare payment update. During that same period liability premiums increased 14.6 percent. Then the next year Medicare physician payments were cut 5.4 percent. While doctors are trying to manage this cut, their liability premiums spiked to an additional 29 percent. There is no doubt that at least with respect to liability premiums, Medicare reimbursement continues to fall far behind the cost of doing business.

As an OB/GYN myself, I can assure you that a physician's practice is indeed a small business. When faced with decreasing income and soaring expenses, doctors cannot simply increase the cost of patient visits. To keep medical practices open, doctors make tough choices. Some doctors delay the purchase of new equipment; others reduce the size of the staff. Many increase the percentage of non-Medicare patients they see, leaving insufficient time in a busy schedule to see a sufficient number of Medicare patients.

Mr. Speaker, I would like to relay a story that demonstrates just how the cuts in physician reimbursements are affecting medical practices in my home State of Georgia. Dr. Harry Sherman, former president of the Georgia chapter of the American College of Surgeons, has lived in Georgia for more than 70 years. He remembers when Congress first enacted Medicare. Now, about 40 percent of his surgical patients are Medicare.

I recently had an opportunity to speak with Dr. Sherman at the American College of Surgeons annual meeting in Chicago. During our conversation, it became clear to me that Dr. Sherman obtains a great deal of personal satisfaction from treating Medicare patients.

As a physician myself, I understand that unique bond that develops between doctor and patient, but as the cost of doing business continues to increase and the level of reimbursement drops, further and further, he admits that it influenced his decision about when to retire.

Dr. Sherman is one of Georgia's most seasoned surgeons. He was born and raised in Georgia, and is truly an asset to his community and his patients. When continued Medicare payment cuts are forcing good surgeons like Dr. Sherman to retire for financial reasons, something is badly wrong.

One of the greatest achievements of the Medicare program is the access to high-quality care it has brought to our Nation's seniors and disabled patients. This level of access cannot be expected to continue in the face of deep Medicare cuts and growing liability premiums.

Mr. Speaker, doctors are the linchpin of the Medicare system. Let us not force them out of the system. Stop the 4.2 percent Medicare physician cut; help doctors help those who need their care the most.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Oregon (Mr. DEFAZIO) is recognized for 5 minutes.

(Mr. DEFAZIO addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from the District of Columbia (Ms. NORTON) is recognized for 5 minutes.

(Ms. NORTON addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

OXI DAY

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from New York (Mrs. MALONEY) is recognized for 5 minutes.

(Mrs. MALONEY addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

Mrs. MALONEY. Mr. Speaker, today I join people of Greek descent in Astoria, New York, the country, and the world in saluting the courageous acts of the Greeks against Mussolini and Hitler.

October 28, 2003, marks the 63rd anniversary of a very historic day in Greek history. On October 28, 1940, the Italian Minister in Athens gave an ultimatum to the Prime Minister of Greece, demanding the unconditional surrender of Greece. His answer was ''Oxi,'' which means ''no'' in Greek.

Military success for the Italians would have sealed off the Balkans from the south and helped Hitler's plan to invade Russia. In fact, the Italian army was fully equipped, well supplied, and backed by superior air and naval power. They were expected to overrun Greece within a short time. Fortunately, the Greek Army proved to be well trained and resourceful despite their lack of military equipment.

In less than a week after the Italians first attacked, it was clear that their forces had suffered a serious setback in spite of having control of the air and fielding armored vehicles. On November 14th, the Greek Army launched a counteroffensive and quickly drove Italian forces far back into Albania. On December 6th, the Greeks captured Porto Edda and continued their advance along the seacoast toward Valona. By February 1, 1941, the Italians had launched strong counterattacks, but the determination of the Greek Army coupled with the severity of the winter weather, nullified the Italians' efforts.

The Italians launched another offensive on March 12, 1941, but after six days of fighting, the Italians made only small gains, and it became clear that German intervention was necessary if the Italians were going to win.

On March 26th, Hitler declared that he would make a clean sweep of the Balkans. It took him five weeks, until the end of April, to subdue Greece. It turned out to be an important five weeks. These five weeks delayed Hitler's invasion of Russia and contributed to the Germans' failure in Russia.

The victory of the Greek Army against the Italians astonished the world. The heroic stance by the Greeks against insurmountable odds, was the first glimmer of hope for the Allies, and today we can take great pride in those who risked their lives to defend their country.

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. WATERS) is recognized for 5 minutes.

(Ms. WATERS addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. WOOLSEY) is recognized for 5 minutes.

(Ms. WOOLSEY addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

PASS THE FALLEN PATRIOTS TAX RELIEF ACT, H.R. 3365

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan (Mr. MCCOTTER) is recognized for 5 minutes.

Mr. MCCOTTER. Mr. Speaker, I rise to urge passage of the Fallen Patriots Tax Relief Act, H.R. 3365, which has been introduced by the distinguished gentleman from Arizona (Mr. RENZI). Contemporaneous with the Persian Gulf conflict, Congress increased from $3,000 to $6,000, the military death gratuity payable to the survivors of deceased members of our Armed Forces.

Unfortunately, unlike the original $3,000 benefit, this additional $3,000 to the survivors of our fallen patriots was left exposed to taxation. This cannot continue. The Fallen Patriots Tax Relief Act will restore the military death gratuity to its rightful and tax exempt status and increase the military death gratuity for survivors of our fallen patriots up to a total of $12,000, retroactively effective to September 11, 2001.

Mr. Speaker, of course, so many today are tempted to measure their compassion in money. Let us make no mistake, no amount of money will mute or diminish these survivors' immeasurable pain, an immeasurable pain which can only be told by the mounting of time and the mercy of God.

□ 2115

Yet, still in support of and in tribute to our fallen and their families, our humanitarianism compels us to try. Consequently, in support of our troops and their families our words are prolific.

Now, during this current Persian conflict, our deeds must best our rhetoric. It is the least and not the last we must do for those who have so terribly sacrificed and suffered for our freedom, for our country, for us.

FALLEN PATRIOTS TAX RELIEF ACT OF 2003

The SPEAKER pro tempore (Mr. PORTER). Under the Speaker's announced policy of January 7, 2003, the gentleman from Arizona (Mr. RENZI) is recognized for 60 minutes as the designee of the majority leader.

Mr. RENZI. Mr. Speaker, I want to begin by recognizing the steadfast leadership provided by my colleagues, especially the gentleman from North Carolina (Mr. JONES) who has fought for this legislation, for this issue, for over 2 years, as well as the gentleman from Massachusetts (Mr. MCGOVERN), who without their original initiatives, the Fallen Patriots Tax Relief Act would not have become a reality and gained such bipartisan support. In addition, I want to thank them for their guidance on this bill and their strong cooperation in drafting this legislation.

Mr. Speaker, H.R. 3365, the Fallen Patriots Tax Relief Act of 2003, addresses the death gratuity paid to a survivor of a military member of the United States, which historically has been exempt from taxation. An oversight in the Tax Code after gratuity was increased to $6,000 left half of this payment subject to taxation. The benefit was designed to assist survivors of deceased members of the military with their financial needs during the period following the soldier's death and before other survivor benefits become available.

The first section of this legislation raises the death gratuity payment to $12,000. This increase has already been funded in the Defense Appropriations Act recently signed into law.

The second section of this bill amends the U.S. Tax Code to restore the payment to its historical full tax exempt status. This provision applies to deaths occurring on or after September 11, 2001, in order to provide for the families of those military personnel who lost their lives at the onset of the war on terrorism.

At a time when our Nation's sons and daughters and their families are making great sacrifices on behalf of this Nation, it is unconscionable to ask them to shoulder a tax burden on a gift intended to be free from taxation.

What is most important to remember when considering this significant legislation is that this bill will help families with the loss of their loved ones; the death gratuity payment must remain as a gift to the surviving family as a gesture of a grateful Nation and be done in a manner which dignifies their ultimate sacrifice.

The bipartisan support on this legislation shows that Congress recognizes the sacrifices made by these men and women of our Armed Forces against the war on terror.

What motivated me to become involved are three of our fallen patriots from my district in rural Arizona. The first was Spencer Karol, a 20-year-old Army Specialist with the 165th Military Intelligence Battalion from Holbrook, Arizona. Spencer was raised in California until his family moved to Holbrook while he was a junior in high school. He graduated from Holbrook High in 2001 and signed up with the Army with two of his friends. They were sent to Iraq this year.

Specialist Karol's mother, Bridget, a single mother, depended on her son for assistance, and he did so willingly. She said, ''He helped me with his younger brothers. I, being a single mother, needed help on our ranch fixing roofs, putting up fences, clearing brush, with the livestock and he did all of it on his own without ever having to be told.''

When he was not helping his mother in caring for his little brothers he was involved in community service activities that included helping the Hashknife Sheriff's Posse. His mom said he was also good with computers and worked a short time in the Navajo County Assessor's Office before going off to boot camp. She said he liked music and that Spencer was a gentleman. He liked to play the guitar and piano and was loved by his family and community.

Specialist Karol died when his vehicle was hit by an explosive device on patrol while looking for enemy combats on October 6, 2003, at Ar Ramadi, Iraq. This legislation gives Spencer Karol's mother the ability to cover the funeral expenses to bury her son.

Secondly, Private Lori Piestewa of the much-publicized 507th Maintenance Division was the first Native American woman on record known to be killed in action in our Nation's history. As a testament to her proud Hopi Indian warrior tradition, Lori went back into the thick of battle outside of An Nasirah, Iraq, to help her fellow soldiers, including Private Jessica Lynch, escape an Iraqi ambush. Lori was a 23-year-old single mother of two. She has a mountain and freeway named after her in Arizona, but her family still pays taxes on the payment they received from Lori's sacrifice.

This legislation corrects this injustice and gives her children added support.

Finally, 27-year-old Army Specialist Alyssa Peterson was a great athlete and graduated at the top of her class. She was good with languages and gracious to her family and friends.

I would like to share with you an essay that this bright, energetic young woman wrote when she was in fifth grade as a student at Sechrist Middle School in Flagstaff, Arizona.

Alyssa wrote, ''What is an American patriot? I believe an American patriot

can be anyone who lives in America. I think that no matter what anyone does with their time, they can be a patriot each day. To be a patriot you need to be a loyal American. You need to stand up for what is right. You need to be the best person you can be. A patriot needs to help America be a better place to live. Cleaning up litter is being patriotic. Obeying traffic rules is being patriotic. Helping our neighbors and giving of ourselves is being patriotic. Participating in your school activities is being patriotic, just like adults participate in voting for our government leaders and laws is patriotic. A patriot obeys all the laws of the land. Patriotism is an attitude which shows up every day in our actions. No one needs to wait to be a patriot.''

Let us all reflect on Alyssa's words by not waiting any longer to pass the Fallen Patriots Tax Relief Act of 2003 and give proper tribute and honor to those who have given their all.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. FROST (at the request of Ms. PELOSI) for today on account of business in the district.

Ms. JACKSON-LEE of Texas (at the request of Ms. PELOSI) for today on account of personal reasons.

Mr. STUPAK (at the request of Ms. PELOSI) for today and the balance of the week on account of a death in the family.

Mr. ROYCE (at the request of Mr. DELAY) for today on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. PALLONE) to revise and extend their remarks and include extraneous material:)

Mr. DAVIS of Florida, for 5 minutes, today.

Mr. GREEN of Texas, for 5 minutes, today.

Mr. PALLONE, for 5 minutes, today.

Mr. MCGOVERN, for 5 minutes, today.

Ms. CARSON of Indiana, for 5 minutes, today.

Mr. EDWARDS, for 5 minutes, today.

Ms. MILLENDER-MCDONALD, for 5 minutes, today.

Mr. HINCHEY, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Mr. BROWN of Ohio, for 5 minutes, today.

Ms. NORTON, for 5 minutes, today.

Mrs. MALONEY, for 5 minutes, today.

Mr. CONYERS, for 5 minutes, today.

Ms. WATERS, for 5 minutes, today.

Ms. WOOLSEY, for 5 minutes, today.

(The following Members (at the request of Mr. BURTON of Indiana) to revise and extend their remarks and include extraneous material:)

Mr. BURTON of Indiana, for 5 minutes, October 29, 30, 31, and November 3 and 4.

Mr. HENSARLING, for 5 minutes, today and October 29.

Mr. FEENEY, for 5 minutes, today and October 29.

Mr. GUTKNECHT, for 5 minutes, today and October 29, 30, and 31.

Mr. MARIO DIAZ-BALART of Florida, for 5 minutes, today.

Mr. GINGREY, for 5 minutes, today.

(The following Members (at their own request) to revise and extend their remarks and include extraneous material:)

Mr. JONES of North Carolina, for 5 minutes, today.

Mr. MCCOTTER, for 5 minutes, today.

SENATE BILLS REFERRED

Bills of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 1146. An act to implement the recommendations of the Garrison Unit Joint Tribal Advisory Committee by providing authorization for the construction of a rural health care facility on the Fort Berthold Indian Reservation, North Dakota; to the Committee on Resources.

In addition to the Committee on Energy & Commerce for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

S. 1194. An act to foster local collaborations which will ensure that resources are effectively and efficiently used within the criminal and juvenile justice systems; to the Committee on the Judiciary.

S. 1768. An act to extend the national flood insurance program; to the Committee on Financial Services.

ADJOURNMENT

Mr. RENZI. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 9 o'clock and 28 minutes p.m.), the House adjourned until tomorrow, Wednesday, October 29, 2003, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

4915. A letter from the Staff Director, Office of Regulatory and Management Services, Forest Service, Department of Agriculture, transmitting the Department's final rule — Notice, Comment, and Appeal Procedures for National Forest System Projects and Activites (RIN:0596-AB89) received October 10, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4916. A letter from the Staff Director, Office of Regulatory and Management Services, Forest Service, Department of Agriculture, transmitting the Department's final rule — Forest Land Enhancement Program (RIN: 0596-AB95) received October 10, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4917. A letter from the Congressional Review Coordinator, APHIS, Department of Agriculture, transmitting the Department's final rule — Emerald Ash Borer; Quarantine and Regulations [Docket No. 02-125-1] received October 20, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4918. A letter from the Congressional Review Coordinator, APHIS, Department of Agriculture, transmitting the Department's final rule — Sapote Fruit Fly [Docket No. 03-032-3] received October 20, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4919. A letter from the Congressional Review Coordinator, APHIS, Department of Agriculture, transmitting the Department's final rule — Imported Fire Ant; Approved Treatments [Docket No. 02-115-2] received October 20, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4920. A letter from the Congressional Review Coordinator, APHIS, Department of Agriculture, transmitting the Department's final rule — Change in Disease Status of East Anglia With Regard to Classical Swine Fever [Docket No. 00-080-3] received October 20, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4921. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Vinclozolin; Time-Limited Pesticide Tolerances [OPP-2003-0311; FRL-7327-6] received Ocotber 7, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4922. A letter from the Comptroller, Department of Defense, transmitting a report of a violation of the Antideficiency Act by the Department of the Navy, Case Number 02-02, pursuant to 31 U.S.C. 1517(b); to the Committee on Appropriations.

4923. A letter from the General Counsel, Department of Defense, transmitting a legislative proposal pertaining to commissioned military officers serving in the position of Associate Director of Central Intelligence for Military Support; to the Committee on Armed Services.

4924. A letter from the Assistant General Counsel for Regulations, Office of Public and Indian Housing, Department of Housing and Urban Development, transmitting the Department's final rule — Housing Choice Voucher Program Homeownership Option; Eligibility of Units Owned or Controlled by a Public Housing Agency; Correction [Docket No. FR-4759-C-04] (RIN: 2577-AC39) received October 21, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

4925. A letter from the Regulations Coordinator, OP/RPMS, Department of Health and Human Services, transmitting the Department's final rule — Registration of Food Facilities Under the Public Health Security and Bioterrorism Preparedness and Response Act of 2002 [Docket No. 02N-0276] (RIN: 0910-AC40) received October 10, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4926. A letter from the Regulations Coordinator, OP/RPMS, Department of Health and Human Services, transmitting the Department's final rule — Prior Notice of Imported Food Under the Public Health Security and Bioterrorism Preparedness and Response Act of 2003 [Docket No. 02N-0278] (RIN 0910-AC41) received October 10, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4927. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality

Implementation Plans; State of Utah; State Implementation Plans Corrections [SIP NO. UT-001-0048, UT-001-0049, FRL-7573-8] received October 10, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4928. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of State Air Quality Plans for Designated Facilities and Pollutants; Control of Emissions From Existing Hospital/Medical/Infectious Waste Incinerator Units; Control of Emissions From Existing Large Municipal Waste Combustors; Nevada; American Samoa; Northern Mariana Islands [NV-AM-NMI-103-NEGDECa; FRL-7572-5] received October 10, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4929. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Municipal Solid Waste Landfill Location Restrictions for Airport Safety [RCRA-2002-0034, FRL-7573-6] (RIN: 2050-AE91) received October 10, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4930. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — West Virginia: Final Authorization of State Hazardous Waste Management Program Revision [FRL-7575-1] received October 10, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4931. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulation of Air Quality Implementation Plans; Maryland; Modifications to the Attainment Plans for the Baltimore Area and Cecil County Portion of the Philadelphia Area to Revise the Mobile Budgets Using MOBILE6 [MD146-3103; FRL-7578-1] received October 21, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4932. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; State of Oregon; Grants Pass PM-10 Nonattainment Area Redesignation to Attainment and Designation of Area for Air Quality Planning Purposes [Docket # OR-02-003a; FRL-7572-7] received October 21, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4933. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; State of Oregon; Klamath Falls PM-10 Nonattainment Area Redesignation to Attainment and Designation of Area for Air Quality Planning Purposes [Docket # OR-02-002a; FRL-7568-7] received October 21, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4934. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans and Designation of Areas for Air Quality Planning Purposes; Ada County/Boise, Idaho Area [ID-02-003; FRL-7568-9] received October 21, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4935. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Prevention of Significant Deterioration (PSD) and Non-attainment New Source Reviwe (NSR): Equipment Replacement Provision of the Routine Maintenance, Repair and Replacement Exclusion [FRL-7575-9; Electronic Docket OAR-2002-0068; Legacy Docket A-2002-04] (RIN: 2060-AK28) received October 21, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4936. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Pennsylvania; Revised MOBILE6-based Motor Vehicle Emission Budget for the Pennsylvania Portion of the Philadelphia- Wilmington-Trenton Ozone Nonattainment Area [PA-201-4401a; FRL-7570-4] received October 7, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4937. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans; New Mexico; Revision to Motor Vehicle Emission Budgets in Bernalillo COunty, New Mexico Carbon Monoxide Air Quality Maintenance Plan Using MOBILE6 [NM-46-4-7615a; FRL-7571-1] received October 7, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4938. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of State Implementation Plans; State of Iowa [IA 187-1187a; FRL-7569-9] received October 7, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4939. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Delegation of Authority to the Washington State Department of Ecology, Benton Clean Air Authority, Northwest Air Pollution Authority, Olympic Regional Clean Air Agency, Puget Sound Clean Air Agency, Spokane County Air Pollution Control Authority, and Southwest Clean Air Agency for New Source Performance Standards [FRL-7567-8] received October 7, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4940. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Revisions to the California State Implementation Plan, El Dorado County Air Pollution Control District and Santa Barbara County Air Pollution Control District [CA 253-0405a; FRL-7567-2] received October 7, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4941. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Virginia; Approval of Financial Assurance Regulations for the Commonwealth's Municipal Solid Waste Landfill Permitting Program [FRL-7569-4] received October 7, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4942. A letter from the Senior Legal Advisor, International Bureau, Federal Communications Commission, transmitting the Commission's final rule — Amendment of the Commission's Space Station Licensing Rules and Policies [IB Docket No. 02-34]; 2000 Biennial Regulatory Review —— Streamlining and Other Revisions of Part 25 of the Commission's Rules Governing the Licensing of, and Spectrum Usage by, Satellite Network Earth Stations and Space Stations [IB Docket No. 00-248] received October 10, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4943. A letter from the Associate Chief, CPD, Wireline Competition Bureau, Federal Communications Commission, transmitting the Commission's final rule — Section 272(f)(1) Sunset of the BOC Separate Affiliate and Related Requirements [WC Docket No. 02-112] received October 10, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4944. A letter from the Deputy Chief, Policy Division, Consumer & Governmental Affairs Bureau, Federal Communications Commission, transmitting the Commission's final rule — Implementation of the Subscriber Carrier Selection Changes Provisions of the Telecommunications Act of 1996, Policies and Rules Concerning Unauthorized Changes of Consumers' Long Distance Carriers [CC Docket No. 94-129] received October 10, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4945. A letter from the Assistant Chief, WCB, TAPD, Federal Communications Commission, transmitting the Commission's final rule — Multi-Association Group (MAG) Plan for Regulation of Interstate Services of Non-Price Cap Incumbent Local Exchange Carriers and Interexchange Carriers [CC Docket No. 00-256]; Federal-State Joint Board on Universal Service [CC Docket No. 96-45] Recieved October 10, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4946. A letter from the Chief, Policy and Rules Division, Federal Communications Commission, transmitting the Commission's final rule — Revision of Part 15 of the Commission's Rules Regarding Ultra-Wideband Transmission Systems [ET Docket No. 98-153] received October 10, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4947. A letter from the Associate Chief, Competition Policy Division, Federal Communications Commission, transmitting the Commission's final rule — The Pay Telephone Reclassification and Compensation Provisions of the Telecommunications Act of 1996 [CC Docket No. 96-128] received October 10, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4948. A letter from the Deputy Chief, CGB, Federal Communications Commission, transmitting the Commission's final rule — Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities [CC Docket No. 98-67]; Americans with Disabilites Act of 1990 [CG Docket No. 03-123] Recieved October 10, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4949. A letter from the Special Assistant to the Bureau Chief, Mass Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations. (Alamo Community, New Mexico) [MM Docket No. 00-158 RM-9921] received October 16, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4950. A letter from the Special Assistant to the Bureau Chief, Mass Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — Amendment of Section 73.0202(b), FM Table of Allotments, FM Broadcast Stations. (Manning and Moncks Corner, South Carolina) [MM Docket No. 01-121 RM-10125] received October 16, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4951. A letter from the Special Assistant to the Bureau Chief, Mass Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — Amendment of Section 73.202(b), FM Table of Allotments, FM Braodcast Stations. (Grants, Milan, and Shiprock, New Mexico) [MM Docket No. 01-118 RM-10106]; (Van Wert and Columbus Grove, Ohio) [MM Docket No. 01-

119 RM-10127]; (Lebenon and Hamilton, Ohio and Fort Thomas, Kentucky) [MM Docket No. 01-122 RM-10130] received October 16, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4952. A letter from the Special Assistant to the Bureau Chief, Mass Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations. (Junction, Texas) [Dkt No.01-198 RM -10213]; (Dilley, Texas) [Dkt No.01-200 RM-10215]; (Goree, Texas) [Dkt No.01-202 RM-10217]; (Leakey, Texas) [Dkt No.01-203 RM-10 218]; (Sweetwater, Texas) [Dkt No.01-204 RM-10219]; (Arnett, Oklahom a) [Dkt No.01-236 RM-10242]; (Sayre, Oklahoma) [Dkt No.01-237 RM-10243]; (Hebbronville, Texas) [Dkt No.01-238 RM-10244]; (Bruni, Texas) [Dkt No.01-239 RM-10245]; (Rison, Arkansas) [Dkt. No.01-240 RM-10246]; (Matador, Texas) [Dkt. No.01-270 RM-10277]; (Turkey, Texas) [Dkt. No01-272 RM-10279]; to the Committee on Energy and Commerce.

4953. A letter from the Special Assistant to the Bureau Chief, Mass Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — Amendment of Section 73.606(b), Table of Allotments, Television Broadcast Stations. (Longview, Texas) [MM Docket No. 03-121 RM-10707] received October 16, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4954. A letter from the Special Assistant to the Bureau Chief, Mass Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — Amendment of Section 730202(b), Table of Allotments, FM Broadcast Stations. (Ephraim, Wisconsin) [MM Docket No. 00-238 RM-10008] received October 16, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4955. A letter from the Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting the Commission's final rule — List of Approved Spent Fuel Storage Casks: Standardized NUHOMS-24P, -52B, -61BT, -32PT, and -24PHB Revision (RIN: 3150-AH27) received October 16, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4956. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of major defense equipment and defense articles to the Netherlands (Transmittal No. DTC 096-03), pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

4957. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of major defense equipment and defense articles to Japan (Transmittal No. DTC 090-03), pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

4958. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of major defense equipment and defense articles to the United Kingdom, France, and Germany (Transmittal No. DTC 095-03), pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

4959. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of major defense equipment and defense articles to Japan (Transmittal No. DDTC 091-03), pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

4960. A letter from the Secretary, Department of Defense, transmitting a letter on the approved retirement of General Charles R. Holland, United States Air Force, and his advancement to the grade of general on the retired list; to the Committee on International Relations.

4961. A letter from the Attorney-Advisor, Department of Transportation, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

4962. A letter from the United States Capitol Police Board, transmitting the Board's report to Congress, pursuant to Public Law 108—7, section 1014; to the Committee on House Administration.

4963. A letter from the Staff Director, Office of Regulatory and Management Services, Forest Service, Department of Agriculture, transmitting the Department's final rule — Land Uses; Revenue-Producing Visitor Services in Alaska (RIN: 0596-AB57) received October 10, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4964. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Pollock in Statistical Area 610 of the Gulf of Alaska [Docket No. 021122286-3036-02; I.D. 100203B] received October 21, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4965. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Pollock in Statistical Area 620 of the Gulf of Alaska [Docket No. 021122286-3036-02; I.D. 100203A] received October 21, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4966. A letter from the Chief Justice, Supreme Court of the United States, transmitting a copy of the Report of the Proceedings of the Judicial Conference of the United States, held in Washington D.C., on March 18, 2003, pursuant to 28 U.S.C. 331; to the Committee on the Judiciary.

4967. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Drawbrige Operation Regulation; Atlantic Intracoastal Waterway, South Branch of the Elizabeth River to the Albemarle and Chesapeake Canal, Chesapeake, VA [CGD05-02-108] (RIN: 1625-AA09) received October 22, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4968. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety/Security Zone; Cove Point Liquefied Natural Gas Terminal, Chesapeake Bay, Maryland [CGD05-03-153] (RIN: 1625-AA00) received October 22, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4969. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulations; Lower Grand River (Alternate Route), Grosse Tete, LA [CGD08-03-041] received October 22, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4970. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Security Zone; Port of Anchorage, Knik Arm, Alaska [COTP Western Alaska 03-003] (RIN: 1625-AA00) received October 22, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4971. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Security Zone: Port Valdez and Valdez Narrows, Valdez, AK [COTP Prince William Sound 03-002] (RIN: 1625-AA00) received October 22, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4972. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Wisconsin Central Rail Road Bridge Fox River, Green Bay, Wisconsin [CGD09-03-270] (RIN: 1625-AA00) received October 22, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

REPORTS OF COMMITTEES

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. SENSENBRENNER: Committee on the Judiciary. Supplemental report on H.R. 2359. A bill to extend the basic pilot program for employment eligibility verification, and for other purposes (Rept. 108–304 Pt. 2).

Mr. POMBO: Committee on Resources. House Concurrent Resolution 268. Resolution expressing the sense of the Congress regarding the imposition of sanctions on nations that are undermining the effectiveness of conservation and management measures for Atlantic highly migratory species, including marlin, adopted by the International Commission for the Conservation of Atlantic Tunas and that are threatening the continued viability of United States commercial and recreational fisheries (Rept. 108–327). Referred to the House calendar.

Mr. POMBO: Committee on Resources. H.R. 313. A bill to modify requirements relating to allocation of interest that accrues to the Abandoned Mine Reclamation Fund (Rept. 108–328). Referred to the Committee of the Whole House on the State of the Union.

Mr. POMBO: Committee on Resources. H.R. 2766. A bill to direct the Secretary of Agriculture to exchange certain lands in the Arapaho and Roosevelt National Forests in the State of Colorado; with an amendment (Rept. 108–329). Referred to the Committee of the Whole House on the State of the Union.

Mr. TAYLOR of North Carolina. Committee of Conference. Conference report on H.r. 2691. A bill making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2004, and for other purposes (Rept. 108–330). Ordered to be printed.

Mr. LINCOLN DIAZ-BALART of Florida: Committee on Rules. House Resolution 416. Resolution providing for consideration of the bill (H.R. 2443) to authorize appropriations for the Coast Guard for fiscal year 2004, to amend various laws administered by the Coast Guard, and for other purposes (Rept. 108–331). Referred to the House Calendar.

Mr. LINDER: Committee on Rules. House Resolution 417. Resolution Providing for consideration of the joint resolution (H.J. Res. 75) making further continuing appropriations for the fiscal year 2004, and for other purposes (Rept. 108–332). Referred to the House Calendar.

Mr. HASTINGS of Washington: Committee on Rules. House Resolution 418. Resolution Waiving points of order against the conference report to accompany the bill (H.R. 2691) making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2004 and for other purposes (Rept. 108–333). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. JONES of North Carolina (for himself, Mr. HOSTETTLER, Mr. CAPUANO, Mr. TAYLOR of Mississippi, Mr. COBLE, Mr. DELAHUNT, and Mr. LOBIONDO):

H.R. 3374. A bill to amend title 14, United States Code, to authorize the Commandant of the Coast Guard, after informing the Secretary of the department in which the Coast Guard is operating, to make such recommendations to the Congress relating to the Coast Guard as the Commandant considers appropriate; to the Committee on Transportation and Infrastructure.

By Mr. ANDREWS:

H.R. 3375. A bill to amend the Internal Revenue Code of 1986 to exclude from gross income health care subsidy payments made to employers by local governments on behalf of volunteer firefighters; to the Committee on Ways and Means.

By Mr. BEAUPREZ:

H.R. 3376. A bill to amend title 40, United States Code, to authorize the Administrator of General Services to lease and redevelop certain Federal property on the Denver Federal Center in Lakewood, Colorado; to the Committee on Transportation and Infrastructure.

By Mrs. DAVIS of California (for herself, Mr. WAXMAN, and Mr. DINGELL):

H.R. 3377. A bill to amend the Federal Food, Drug, and Cosmetic Act with respect to dietary supplements; to the Committee on Energy and Commerce.

By Mr. GILCHREST:

H.R. 3378. A bill to assist in the conservation of marine turtles and the nesting habitats of marine turtles in foreign countries; to the Committee on Resources.

By Mr. HILL (for himself, Mr. HOSTETTLER, Ms. CARSON of Indiana, Mr. BURTON of Indiana, Mr. VISCLOSKY, Mr. PENCE, Mr. CHOCOLA, Mr. SOUDER, and Mr. BUYER):

H.R. 3379. A bill to designate the facility of the United States Postal Service located at 3210 East 10th Street in Bloomington, Indiana, as the ''Francis X. McCloskey Post Office Building''; to the Committee on Government Reform.

By Mr. JONES of North Carolina:

H.R. 3380. A bill to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act concerning the use of Federal disaster assistance for hazard mitigation measures; to the Committee on Transportation and Infrastructure.

By Ms. NORTON:

H.R. 3381. A bill to enhance the rights of crime victims, to establish grants for local governments to assist crime victims, and for other purposes; to the Committee on the Judiciary, and in addition to the Committees on the Budget, and Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ROGERS of Alabama:

H.R. 3382. A bill to amend titles II and XVIII of the Social Security Act to waive certain waiting periods for Social Security disability and Medicare benefits in the case of a terminally ill, disabled individual; to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SERRANO (for himself, Mr. ENGEL, Mr. ACKERMAN, Mr. BISHOP of New York, Mr. BOEHLERT, Mr. CROWLEY, Mr. FOSSELLA, Mr. HINCHEY, Mr. HOUGHTON, Mr. ISRAEL, Mr. KING of New York, Mrs. KELLY, Mrs. LOWEY, Mrs. MALONEY, Mrs. MCCARTHY of New York, Mr. MCHUGH, Mr. MCNULTY, Mr. MEEKS of New York, Mr. NADLER, Mr. OWENS, Mr. QUINN, Mr. RANGEL, Mr. REYNOLDS, Ms. SLAUGHTER, Mr. SWEENEY, Mr. TOWNS, Ms. VELAZQUEZ, Mr. WALSH, and Mr. WEINER):

H.R. 3383. A bill to name the Department of Veterans Affairs medical center in the Bronx, New York, as the ''James J. Peters Department of Veterans Affairs Medical Center''; to the Committee on Veterans' Affairs.

By Mr. WU:

H.R. 3384. A bill to amend the Internal Revenue Code of 1986 to repeal the limitations on the maximum amount of the deduction of interest on education loans; to the Committee on Ways and Means.

By Mr. YOUNG of Florida:

H.J. Res. 75. A joint resolution making further continuing appropriations for the fiscal year 2004, and for other purposes; to the Committee on Appropriations.

By Ms. ROS-LEHTINEN (for herself, Mr. PALLONE, and Mr. NADLER):

H. Con. Res. 311. Concurrent resolution expressing the sense of Congress that the international community should recognize the plight of Jewish refugees from Arab countries and that the United Nations Relief and Works Agency for Palestine Refugees in the Near East should establish a program for resettling Palestinian refugees; to the Committee on International Relations.

By Mr. KILDEE:

H. Con. Res. 312. Concurrent resolution recognizing the valuable contributions of higher education faculty in the education of our Nation's students; to the Committee on Education and the Workforce.

By Mr. SENSENBRENNER (for himself, Mr. HYDE, Mr. DINGELL, Mr. TAUZIN, Mr. BOEHNER, Mr. SMITH of Texas, Mr. FERGUSON, Mr. MCCOTTER, Mr. SMITH of New Jersey, Mr. JONES of North Carolina, Mr. BALLENGER, Ms. ROS-LEHTINEN, Mrs. MYRICK, Mr. BURR, Mr. STUPAK, Mr. VITTER, Mr. SHAW, Ms. HART, Mr. TOM DAVIS of Virginia, Mr. KLECZKA, Mr. OBEY, Mr. LEACH, Ms. GINNY BROWN-WAITE of Florida, Mr. KANJORSKI, Mr. KENNEDY of Minnesota, Mr. GREEN of Wisconsin, Mr. QUINN, Mr. MURPHY, Ms. BORDALLO, Mr. ACEVEDO-VILA, and Mr. RENZI):

H. Con. Res. 313. Concurrent resolution to urge the President, on behalf of the United States, to present the Presidential Medal of Freedom to His Holiness, Pope John Paul II, in recognition of his significant, enduring, and historic contributions to the causes of freedom, human dignity, and peace and to commemorate the Silver Jubilee of His Holiness' inauguration of his ministry as Bishop of Rome and Supreme Pastor of the Catholic Church; to the Committee on Government Reform.

By Mr. ENGLISH (for himself, Mr. DELAY, Mr. BALLENGER, Mr. GREEN of Wisconsin, Mr. MANZULLO, Mr. ROGERS of Michigan, Mr. STENHOLM, Ms. PRYCE of Ohio, Mr. COLLINS, Mr. BAKER, Mr. GILLMOR, Mrs. BIGGERT, Ms. HART, Mr. KING of Iowa, Mr. MCINTYRE, Mr. SOUDER, Mr. HILL, Mr. DEMINT, Mr. HAYWORTH, Mr. COBLE, Mr. EVERETT, Mr. PLATTS, Mr. EHLERS, Mr. HAYES, Mr. BURR, Mr. NORWOOD, Mr. BOSWELL, Mr. LIPINSKI, Mrs. MYRICK, Mr. JOHNSON of Illinois, Mr. OTTER, Mr. UPTON, Mr. FORD, Mr. SENSENBRENNER, Mr. OXLEY, Mr. RYAN of Wisconsin, Mr. SHUSTER, Mr. BROWN of South Carolina, Mr. CRAMER, Mr. MCINNIS, and Mr. GOODLATTE):

H. Res. 414. A resolution to encourage the People's Republic of China to fulfill its commitments under international trade agreements, support the United States manufacturing sector, and establish monetary and financial market reforms; to the Committee on Ways and Means.

By Mr. MEEK of Florida (for himself, Mr. LINCOLN DIAZ-BALART of Florida, Mr. DAVIS of Florida, Mr. HASTINGS of Florida, Mr. KELLER, Mr. FOLEY, Mr. DEUTSCH, Mr. MICA, Ms. HARRIS, Ms. GINNY BROWN-WAITE of Florida, Mr. SHAW, Ms. CORRINE BROWN of Florida, Mr. MARIO DIAZ-BALART of Florida, Mr. PUTNAM, Mr. FEENEY, Mr. MILLER of Florida, Mr. CRENSHAW, Mr. STEARNS, Ms. ROS-LEHTINEN, Mr. WEXLER, Mr. GOSS, Mr. BOYD, Mr. WELDON of Florida, Mr. BILIRAKIS, and Mr. YOUNG of Florida):

H. Res. 415. A resolution congratulating the Florida Marlins for winning the 2003 World Series; to the Committee on Government Reform.

By Mr. CONYERS (for himself, Mr. PASCRELL, Mr. KUCINICH, Ms. JACKSON-LEE of Texas, Mrs. JONES of Ohio, Mr. WEINER, Mr. MEEKS of New York, Mr. WEXLER, Mr. MCDERMOTT, Ms. MCCOLLUM, Ms. WATERS, Ms. LEE, Mr. HONDA, Ms. LOFGREN, Ms. WATSON, Mr. HINCHEY, and Mr. MEEHAN):

H. Res. 419. A resolution condemning religiously intolerant remarks and calling on the President to clearly censure and reassign Lieutenant General Boykin for his religiously intolerant remarks; to the Committee on the Judiciary, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HINCHEY:

H. Res. 420. A resolution unequivocally condemning the damaging rhetoric of Lieutenant General William G. Boykin, United States Army, which has promoted hateful stereotypes of the religion of Islam; to the Committee on the Judiciary.

MEMORIALS

Under clause 3 of rule XII, memorials were presented and referred as follows:

208. The SPEAKER presented a memorial of the General Assembly of the State of Ohio, relative to House Resolution No. 131 memorializing the United States Congress to support efforts to establish National Funeral Service Education Week; to the Committee on Government Reform.

209. Also, a memorial of the Senate of the State of Wisconsin, relative to Senate Resolution No. 18, memorializing the United States Congress to pass legislation that will immediately and permanently prohibit any state from imposing a tax on access to the Internet; to the Committee on the Judiciary.

210. Also, a memorial of the General Assembly of the State of Ohio, relative to House Concurrent Resolution No. 6 memorializing the United States Congress to pass the Human Cloning Prohibition Act of 2003; jointly to the Committees on the Judiciary and Energy and Commerce.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 142: Ms. LORETTA SANCHEZ of California.
H.R. 218: Mr. REYES.
H.R. 220: Mr. SIMPSON.
H.R. 369: Ms. PELOSI and Mr. GUTIERREZ.
H.R. 371: Mr. LAHOOD.
H.R. 375: Mr. MICA and Mr. JOHN.
H.R. 423: Mr. FOSSELLA.
H.R. 476: Mr. JANKLOW.
H.R. 673: Mr. WAMP.
H.R. 687: Mr. RAMSTAD, Mrs. EMERSON, and Ms. GRANGER.
H.R. 716: Mr. BOSWELL and Mr. PRICE of North Carolina.
H.R. 737: Mr. OWENS and Mr. BISHOP of Georgia.
H.R. 738: Mr. GRIJALVA and Mrs. JONES of Ohio.
H.R. 742: Mr. SOUDER and Mr. SANDERS.
H.R. 768: Mr. NEY and Mr. DAVIS of Alabama.
H.R. 785: Mrs. NAPOLITANO.
H.R. 802: Mr. FILNER.
H.R. 833: Mr. TOWNS.
H.R. 840: Mr. SWEENEY.
H.R. 857: Mr. WHITFIELD and Ms. NORTON.
H.R. 869: Mr. OWENS.
H.R. 876: Mr. TAYLOR of Mississippi, Mr. CARDOZA, and Mr. BALLENGER.
H.R. 882: Mr. ROSS.
H.R. 898: Mr. RAHALL.
H.R. 935: Mr. PRICE of North Carolina.
H.R. 936: Mr. LEWIS of Georgia, Ms. WATERS, Mr. MEEKS of New York, Mr. BALLANCE, Mr. THOMPSON of Mississippi, Mr. CONYERS, Mr. WYNN, Mr. FATTAH, and Ms. KAPTUR.
H.R. 944: Mr. RODRIGUEZ, Mr. MCNULTY, Mr. CUMMINGS, Ms. WATSON, and Mr. GONZALEZ.
H.R. 992: Mr. KINGSTON.
H.R. 1080: Mr. MORAN of Virginia.
H.R. 1083: Mr. CAMP.
H.R. 1102: Mr. BOEHLERT.
H.R. 1125: Mr. LAMPSON.
H.R. 1157: Mr. BELL, Mr. DAVIS of Florida, and Mr. MEEKS of New York.
H.R. 1200: Mr. CLAY, Mr. TOWNS, Mr. BERMAN, Mr. JACKSON of Illinois, Mr. FRANK of Massachusetts, and Mr. GEORGE MILLER of California.
H.R. 1205: Mr. ISRAEL.
H.R. 1212: Mr. ALLEN.
H.R. 1231: Mr. SHAW, Ms. CARSON of Indiana, and Mr. EMANUEL.
H.R. 1258: Mr. JACKSON of Illinois, Mr. BELL, Mr. GREEN of Texas, and Mr. OWENS.
H.R. 1286: Mr. MICHAUD.
H.R. 1288: Mr. STENHOLM, Mr. OSE, and Mr. CRAMER.
H.R. 1294: Mr. SHAYS.
H.R. 1316: Mr. RYAN of Ohio and Mr. WOLF.
H.R. 1322: Mr. STARK, Ms. LOFGREN, Mr. MURTHA, Mr. MCDERMOTT, Mr. OWENS, and Mr. BERMAN.
H.R. 1345: Mr. SHAYS.
H.R. 1385: Mr. WILSON of South Carolina and Mr. BISHOP of Georgia.
H.R. 1406: Mr. EMANUEL and Mr. ISAKSON.
H.R. 1472: Mr. DAVIS of Illinois.
H.R. 1482: Mr. MICHAUD.
H.R. 1483: Mr. UDALL of New Mexico.
H.R. 1582: Ms. EDDIE BERNICE JOHNSON of Texas.
H.R. 1585: Mr. GUTIERREZ.
H.R. 1653: Mr. TURNER of Ohio and Mr. WEXLER.
H.R. 1657: Mr. MCDERMOTT.
H.R. 1684: Mr. UDALL of New Mexico, Mr. ALLEN, Mr. NADLER, and Mr. PAYNE.
H.R. 1708: Mr. OSE and Mr. TURNER of Ohio.
H.R. 1726: Mr. FRANK of Massachusetts.
H.R. 1798: Mr. PETERSON of Pennsylvania.
H.R. 1819: Mr. JACKSON of Illinois, Mr. LINCOLN DIAZ-BALART of Florida, Mr. EMANUEL and Mr. MANZULLO.
H.R. 1822: Mr. MCDERMOTT, Ms. WATERS, Mrs. CAPPS, Ms. ESHOO, and Mr. MCKEON.
H.R. 1824: Mr. WU, Mr. CANTOR, Mr. ENGLISH, Mr. BONNER, Ms. DELAURO, and Mr. SIMMONS.
H.R. 1833: Mr. PUTNAM and Mr. POMEROY.
H.R. 1890: Mrs. JOHNSON of Connecticut.
H.R. 1910: Mr. DUNCAN.
H.R. 1916: Mr. FRANK of Massachusetts, Mr. MANZULLO, Ms. HART, and Mr. QUINN.
H.R. 1943: Mr. UPTON.
H.R. 1993: Mr. FILNER.
H.R. 1997: Mrs. MILLER of Michigan.
H.R. 2131: Mr. MCKEON.
H.R. 2169: Ms. WATSON.
H.R. 2176: Mr. GREEN of Wisconsin.
H.R. 2181: Mr. WELLER.
H.R. 2203: Ms. LEE and Mr. WEINER.
H.R. 2216: Mr. FILNER and Mr. MCCOTTER.
H.R. 2239: Ms. MILLENDER-MCDONALD, Mr. LIPINSKI, Mrs. CAPPS, Mr. BELL, and Mr. MORAN of Virginia.
H.R. 2256: Mr. MCDERMOTT.
H.R. 2260: Mr. SCHROCK, Mr. OLVER, Ms. SCHAKOWSKY, Mr. SULLIVAN, Mr. MARIO DIAZ-BALART of Florida, and Mrs. WILSON of New Mexico.
H.R. 2262: Ms. CARSON of Indiana.
H.R. 2318: Mr. JACKSON of Illinois.
H.R. 2339: Mr. HOLT.
H.R. 2347: Mr. HENSARLING, Mr. MARIO DIAZ-BALART of Florida, and Mr. PUTNAM.
H.R. 2349: Mr. JACKSON of Illinois.
H.R. 2365: Mr. ISRAEL.
H.R. 2389: Ms. SCHAKOWSKY.
H.R. 2450: Mr. ROHRABACHER.
H.R. 2511: Mr. RYAN of Ohio and Ms. LEE.
H.R. 2558: Ms. HARRIS.
H.R. 2671: Mr. BURGESS, Mr. UPTON, and Mr. CAMP.
H.R. 2695: Mr. ENGLISH and Mr. MURPHY.
H.R. 2699: Mr. DEUTSCH, Mr. GREENWOOD, Mr. STRICKLAND, and Mrs. EMERSON.
H.R. 2705: Mr. GRIJALVA, Mr. PRICE of North Carolina, Mr. CARDOZA, and Mr. DAVIS of Florida.
H.R. 2711: Mr. MANZULLO, Ms. HART, and Mr. STUPAK.
H.R. 2728: Mr. SULLIVAN.
H.R. 2729: Mr. SULLIVAN.
H.R. 2730: Mr. SULLIVAN.
H.R. 2731: Mr. SULLIVAN.
H.R. 2768: Mr. EHLERS, Mr. MCKEON, Ms. DELAURO, Mrs. MCCARTHY of New York, and Mr. HALL.
H.R. 2771: Mr. ACKERMAN, Mr. HINCHEY, Mrs. MALONEY, and Mr. TOWNS.
H.R. 2787: Mr. INSLEE.
H.R. 2832: Mr. GUTIERREZ.
H.R. 2849: Mr. MCGOVERN, Mr. LEVIN, Mr. BRADLEY of New Hampshire, and Mr. HOEFFEL.
H.R. 2908: Mr. WALSH.
H.R. 2929: Mr. RADANOVICH.
H.R. 2932: Mr. OWENS.
H.R. 2970: Mr. ALLEN.
H.R. 2986: Ms. SCHAKOWSKY, Ms. EDDIE BERNICE JOHNSON of Texas, and Mr. REYNOLDS.
H.R. 3019: Mr. HONDA, Ms. LEE, Ms. NORTON, Mr. KILDEE, Mrs. CHRISTENSEN, Mr. ROSS, Mr. REYES, Ms. WATERS, Ms. DELAURO, Ms. MILLENDER-MCDONALD, Mr. SNYDER, Mr. TOWNS, Mr. ALEXANDER, Mr. HOEFFEL, Ms. BORDALLO, Mr. WYNN, Mr. CASE, Ms. CARSON of Indiana, Mr. POMEROY, Mr. FILNER, Mr. ISRAEL, Mr. COOPER, Ms. HOOLEY of Oregon, Mr. EDWARDS, Mr. BISHOP of Georgia, Mr. MATHESON, Mr. KLECZKA, Mr. EVANS, and Mr. FARR.
H.R. 3027: Mr. OWENS.
H.R. 3042: Mr. BURGESS and Mr. HALL.
H.R. 3049: Mr. PAYNE.
H.R. 3051: Mr. FALEOMAVAEGA, Mr. SERRANO, and Mr. RUPPERSBERGER.
H.R. 3052: Mr. PLATTS.
H.R. 3063: Mr. ACKERMAN and Mr. OWENS.
H.R. 3092: Mr. CARSON of Oklahoma.
H.R. 3112: Mrs. MILLER of Michigan and Mr. ROGERS of Michigan.
H.R. 3122: Ms. HART.
H.R. 3125: Mr. CANNON and Mr. KING of Iowa.
H.R. 3129: Mr. GRIJALVA.
H.R. 3133: Mr. ROTHMAN and Mr. SERRANO.
H.R. 3142: Mr. JANKLOW, Mr. BOEHLERT, Mr. MCINNIS, Ms. HARMAN, Ms. LINDA T. SANCHEZ of California, and Mr. CAPUANO.
H.R. 3155: Ms. WOOLSEY.
H.R. 3171: Ms. ESHOO, Ms. LINDA T. SANCHEZ of California, and Mr. OWENS.
H.R. 3178: Mr. MANZULLO, Mr. QUINN, Mr. ACKERMAN, Mr. MARSHALL, Ms. SCHAKOWSKY, Mr. MURTHA, Mr. RAHALL, and Mr. KLINE.
H.R. 3180: Mr. JACKSON of Illinois.
H.R. 3184: Mr. MILLER of North Carolina.
H.R. 3188: Mr. HAYES and Mr. NETHERCUTT.
H.R. 3190: Mr. GRAVES, Mr. DOOLITTLE, Mr. SHIMKUS, Mr. BARTLETT of Maryland, and Mr. ROGERS of Alabama.
H.R. 3192: Mr. BISHOP of Georgia, Mr. ACKERMAN, Mr. OWENS, Mr. DAVIS of Tennessee, and Mr. BERRY.
H.R. 3219: Mr. BARTON of Texas, Ms. JACKSON-LEE of Texas, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. MILLER of North Carolina, Mr. SHERMAN, Mr. LAMPSON, Ms. LOFGREN, Ms. WOOLSEY, Mr. BELL, Mr. ORTIZ, Mr. THORNBERRY, Mr. SANDLIN, Mr. MATHESON, Mr. WU, Mr. UDALL of Colorado, Mr. HONDA, Mr. DAVIS of Tennessee, Mr. BAIRD, Mr. WEINER, Mr. CARDOZA, Mr. LARSON of Connecticut, and Mr. COSTELLO.
H.R. 3226: Mr. EVANS.
H.R. 3227: Mr. SWEENEY and Mr. WYNN.
H.R. 3228: Mr. HEFLEY, Mr. BARRETT of South Carolina, Mr. MILLER of North Carolina, and Ms. WOOLSEY.
H.R. 3243: Mr. WYNN, Ms. MILLENDER-MCDONALD, and Mr. OWENS.
H.R. 3244: Mr. CROWLEY, Mr. TIERNEY, Mr. ALLEN, Mr. OLVER, Mr. ACKERMAN, Ms. HOOLEY of Oregon, Mr. PRICE of North Carolina, Mr. WYNN, Mrs. CHRISTENSEN, and Mr. SANDERS.
H.R. 3251: Ms. WATSON.
H.R. 3263: Mr. WEXLER, Mrs. TAUSCHER, Mr. MCCOTTER, Mr. MCGOVERN, Mr. BLUMENAUER, Mr. LANTOS, Mr. GUTKNECHT, and Mr. RENZI.
H.R. 3266: Mr. FOSSELLA and Mr. WILSON of South Carolina.
H.R. 3277: Mr. KANJORSKI.
H.R. 3287: Mr. CASTLE, Mr. SMITH of Washington, Mr. PUTNAM, Mr. BARRETT of South Carolina, and Mrs. MUSGRAVE.
H.R. 3293: Mr. PASTOR, Mr. DAVIS of Alabama, Ms. NORTON, Mr. BOUCHER, Mr. ROSS, Mr. LAHOOD, Mr. CLAY, Mr. MCDERMOTT, Mr. CONYERS, Ms. WATERS, Mr. KLECZKA, Ms. MILLENDER-MCDONALD, Mr. MCNULTY, Mr. WYNN, Ms. DELAURO, and Mr. GRIJAALVA.
H.R. 3295: Ms. HART and Mr. GERLACH.
H.R. 3304: Mr. KILDEE and Mr. CONYERS.
H.R. 3318: Mr. VITTER.
H.R. 3319: Mr. HOSTETTLER.
H.R. 3323: Mrs. NAPOLITANO.
H.R. 3325: Mr. ACEVEDO-VILA, Mrs. CAPPS, Ms. MCCOLLUM, Ms. WATERS, and Mrs. DAVIS of California.
H.R. 3341: Mr. SPRATT, Mr. ISRAEL, Mr. FARR, Mr. MCDERMOTT, and Mr. BROWN of Ohio.
H.R. 3344: Mrs. CHRISTENSEN and Mr. ACEVEDO-VILA.
H.R. 3350: Mr. KLECZKA, Mr. GRIJALVA, and Mr. CLAY.
H.R. 3352: Ms. KILPATRICK.
H.R. 3353: Ms. BORDALLO, Mr. MCDERMOTT, Mr. TAYLOR of North Carolina, Mr. LEWIS of Georgia, Ms. JACKSON-LEE of Texas, Mr. WYNN, Mr. FATTAH, Ms. NORTON, Mr. JEFFERSON, Ms. SLAUGHTER, Mr. EVANS, and Mr. SCOTT of Virginia.
H.R. 3355: Mr. RANGEL and Mr. WYNN.
H.R. 3357: Mr. MARKEY.
H.R. 3358: Mr. HERGER, Mr. KLINE, Mr. KING of Iowa, and Ms. HART.
H.R. 3365: Mr. MCGOVERN, Mr. GERLACH, Mr. ROGERS of Alabama, Mr. HAYES, Mr.

TAYLOR of Mississippi, Mr. MCINTYRE, Mr. SMITH of New Jersey, Ms. KILPATRICK, Mrs. MUSGRAVE, Mr. GRAVES, Mr. BURGESS, Mr. TERRY, Mr. TAYLOR of North Carolina, Mr. TANCREDO, Mr. BEREUTER, Mr. REYES, Mr. HASTINGS of Florida, Mr. ROSS, Mr. WILSON of South Carolina, Mr. SHAYS, Mr. CASE, Mr. PRICE of North Carolina, Ms. WATERS, Mr. ALEXANDER, Mr. HOEFFEL, Mr. SNYDER, Mr. COOPER, Mr. POMEROY, Mr. KOLBE, Ms. HOOLEY of Oregon, Mr. BARTLETT of Maryland, Mr. MATHESON, Ms. GINNY BROWN-WAITE of Florida, Ms. HARRIS, Mr. KENNEDY of Rhode Island, Mr. FORD, Mr. GUTKNECHT, Mr. FEENEY, Mr. ETHERIDGE, Mr. GIBBONS, and Mr. MCCOTTER.

H.J. Res. 22: Mr. HASTINGS of Washington, and Mr. THOMPSON of California.

H. Con. Res. 111: Mr. FARR.

H. Con. Res. 126: Mr. KOLBE.

H. Con. Res. 218: Mr. MORAN of Virginia and Mr. HOUGHTON.

H. Con. Res. 247: Mr. SAXTON, Mr. ABERCROMBIE, Mr. GREEN of Wisconsin, Mr. WU, Mr. GEORGE MILLER of California, Mr. GUTIERREZ, Mr. QUINN, Mr. HINOJOSA, Ms. LOFGREN, Mr. NETHERCUTT, and Ms. LEE.

H. Con. Res. 249: Mr. OWENS.

H. Con. Res. 280: Mr. HONDA, Mr. POMBO, and Mr. PENCE.

H. Con. Res. 281: Mr. CUMMINGS and Mr. OWENS.

H. Con. Res. 285: Mr. COBLE, Ms. SLAUGHTER, and Ms. HART.

H. Con. Res. 288: Mr. WEINER, Mr. ACKERMAN, Mr. SANDERS, Mr. HASTINGS of Florida, Mr. LEACH, Mr. ISRAEL, Mr. HINCHEY, Mr. DINGELL, Mr. CARDIN, Mr. GUTIERREZ, Mr. MARKEY, Mrs. MALONEY, Mr. MORAN of Virginia, Mrs. CAPPS, Mr. DELAHUNT, Mr. KUCINICH, Mr. SCHIFF, Mr. HOUGHTON, Mr. MCNULTY, and Mr. WEXLER.

H. Con. Res. 302: Mrs. MUSGRAVE, Mr. GREENWOOD, Mr. LANGEVIN, Mr. STEARNS, Mr. ENGEL, Mr. BERRY, Mr. FEENEY, Mr. FALEOMAVAEGA, Mr. GREEN of Wisconsin, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. HASTINGS of Florida, Mr. BURTON of Indiana, Mr. BILIRAKIS, Ms. CORRINE BROWN of Florida, Mr. CROWLEY, Ms. KAPTUR, Mr. KENNEDY of Rhode Island, Mr. TERRY, Mr. MCNULTY, Mr. JONES of North Carolina, Mr. BALLANCE, Mr. COX, Mr. LINCOLN DIAZ-BALART of Florida, and Mr. ACKERMAN.

H. Con. Res. 306: Mr. PALLONE and Ms. KILPATRICK.

H. Con. Res. 307: Mr. VAN HOLLEN, Mr. COSTELLO, Mr. TOM DAVIS of Virginia, Mr. TOWNS, Mr. WEXLER, and Mr. WILSON of South Carolina.

H. Con. Res. 308: Mr. EVANS, Mr. DINGELL, Mr. MCDERMOTT, Mr. DAVIS of Tennessee, Ms. LEE, Mr. COSTELLO, Mr. WYNN, Mrs. CHRISTENSEN, and Mr. BURTON of Indiana.

H. Res. 60: Ms. WOOLSEY, Mr. BISHOP of Georgia, and Ms. LOFGREN.

H. Res. 157: Ms. ESHOO, Mr. SANDERS, Mrs. TAUSCHER, and Mr. UDALL of Colorado.

H. Res. 167: Mr. FALEOMAVAEGA.

H. Res. 291: Mr. BROWN of Ohio, Mr. HOLT, and Mr. FRANK of Massachusetts.

H. Res. 313: Ms. MILLENDER-MCDONALD, Mr. FOLEY, Mr. HOLDEN, Mr. RUPPERSBERGER, Mr. CAPUANO, Mr. FILNER, Mr. MCGOVERN, and Mr. OWENS.

H. Res. 378: Mr. PUTNAM and Mr. KINGSTON.

H. Res. 384: Mr. FALEOMAVAEGA.

H. Res. 393: Mrs. TAUSCHER, Mr. MCNULTY, Mr. SIMMONS, Mr. WOLF, Ms. DUNN, Ms. MILLENDER-MCDONALD, Mr. BELL, Mr. FRANK of Massachusetts, Mr. GREENWOOD, Mr. WEXLER, Mr. CROWLEY, Mr. CONYERS, Ms. ROYBAL-ALLARD, Mr. MORAN of Virginia, and Mrs. NAPOLITANO.

H. Res. 394: Mr. SCHROCK, Mr. BOSWELL, Mr. RYAN of Wisconsin, and Mr. SULLIVAN.

H. Res. 402: Mr. COBLE and Mr. SMITH of Washington.

H. Res. 409: Mr. SESSIONS, Mr. BRADY of Texas, Mr. PENCE, Mr. CARTER, Mr. KING of Iowa, Mr. CRANE, Mr. BACHUS, Mr. CHABOT, Mr. HENSARLING, Mr. OTTER, Mr. DOOLITTLE, Mrs. MUSGRAVE, Mr. TANCREDO, Mr. BURGESS, Mr. WILSON of South Carolina, Mr. WELDON of Florida, Mr. GOODE, Mr. FRANKS of Arizona, Mr. BARRETT of South Carolina, Mr. SOUDER, Mr. ISAKSON, Mr. SAXTON, Mr. BURTON of Indiana, Mr. GRAVES, Mr. MILLER of Florida, Mr. GERLACH, Mr. MANZULLO, Mr. FERGUSON, Mr. LINDER, Mr. BOOZMAN, Mr. GREENWOOD, Mr. DEMINT, Mr. FEENEY, Mr. BROWN of South Carolina, Mr. JONES of North Carolina, Mr. SULLIVAN, Mr. GARRETT of New Jersey, Mr. GUTKNECHT, Ms. HART, Mr. BARTLETT of Maryland, Mr. HAYES, Mr. COLE, Ms. HARRIS, Mr. TIAHRT, Mr. FLAKE, Mr. HAYWORTH, Mr. JANKLOW, Mr. BEAUPREZ, Mr. PEARCE, Mr. PITTS, Mrs. WILSON of New Mexico, Mr. RYUN of Kansas, Mr. BARTON of Texas, Mr. SHAYS, Mr. LINCOLN DIAZ-BALART of Florida, Mr. ROHRABACHER, Mr. SWEENEY, Mr. ROGERS of Alabama, Mr. SMITH of New Jersey, Mr. SHADEGG, Mr. WEINER, Mr. HOLDEN, Mr. WU, Ms. DELAURO, Mr. INSLEE, Mr. ENGEL, Mr. VAN HOLLEN, Mr. WAXMAN, Mr. ISRAEL, Mrs. MALONEY, Mr. ROTHMAN, Mr. LANTOS, Mr. WEXLER, Mrs. TAUSCHER, Mr. HASTINGS of Florida, Mr. CARDIN, Mrs. LOWEY, Mr. MATSUI, Mr. CROWLEY, Mr. SANDLIN, Mr. MENENDEZ, Mrs. MCCARTHY of New York, Mr. EMANUEL, Mr. ACKERMAN, Mr. ETHERIDGE, Mr. BERMAN, Mr. MARKEY, Ms. WATSON, Mr. HOEFFEL, Ms. MCCARTHY of Missouri, Mr. WYNN, Mr. CARDOZA, Ms. SCHAKOWSKY, Ms. LOFGREN, Mr. PALLONE, Mr. HONDA, Mr. SHERMAN, Mr. NADLER, Mr. SCHIFF, Mr. BELL, Mrs. DAVIS of California, Mr. CARSON of Oklahoma, Mr. FROST, Ms. HARMAN, and Mr. MCNULTY.

H. Res. 410: Mr. EVANS, Ms. WATERS, and Ms. LORETTA SANCHEZ of California.

AMENDMENTS

Under clause 8 of rule XVIII, proposed amendments were submitted as follows:

H.R. 2443

OFFERED BY: MR. MANZULLO

AMENDMENT NO. 1: At the end of title VI, insert the following new section:

SEC. 6___. BUY AMERICAN REQUIREMENTS FOR AIRCRAFT.

No aircraft, including helicopters, may be acquired (directly or indirectly) by the Coast Guard unless the aircraft are manufactured in the United States using components at least 65 percent of which are manufactured in the United States.

H.R. 2443

OFFERED BY: MR. MANZULLO

AMENDMENT NO. 2: Insert at the end of title VI the following new section:

SEC. 6___. LIMITATION ON BRIDGE ALTERATION PROJECTS.

The Coast Guard may conduct bridge alteration projects using amounts authorized under section 101(1)(B)(iv) of this Act only to the extent that the steel, iron, and manufactured products used in such projects are produced in the United States, unless the Commandant of the Coast Guard determines such action to be inconsistent with the public interest or the cost unreasonable.

H.R. 2443

OFFERED BY: MR. MANZULLO

AMENDMENT NO. 3: At the end of title VI, insert the following new section:

SEC. 6___. SPECIAL RULES FOR APPLYING BUY AMERICAN ACT.

(a) ACQUISITIONS OF ARTICLES, MATERIALS, AND SUPPLIES.—With respect to any acquisition made with amounts made available under this Act or any amendment made by this Act of articles, materials, or supplies that are subject to section 2 of the Buy American Act (41 U.S.C. 10a), such section shall be applied to such acquisition by substituting ''at least 65 percent'' for ''substantially all''.

(b) CONTRACTS FOR CONSTRUCTION, ALTERNATION, OR REPAIR.—With respect to any contract for the construction, alteration, or repair of any public building or public work entered into with amounts made available under this Act or any amendment made by this Act that is subject to section 3 of the Buy American Act (41 U.S.C. 10b), such section shall be applied to such contract by substituting ''at least 65 percent'' for ''substantially all''.

H.R. 2443

OFFERED BY: MR. JONES OF NORTH CAROLINA

AMENDMENT NO. 4: At the end of title II add the following:

SEC. ___. RECOMMENDATIONS TO CONGRESS BY COMMANDANT OF THE COAST GUARD.

Section 93 of title 14, United States Code, is amended—

(1) in paragraph (w) by striking ''and'' after the semicolon at the end;

(2) in paragraph (x) by striking the period at the end and inserting ''; and''; and

(3) by adding at the end the following:

''(y) after informing the Secretary, make such recommendations to the Congress relating to the Coast Guard as the Commandant considers appropriate.''.

H.R. 2443

OFFERED BY: MR. ENGEL

AMENDMENT NO. 5: At the end of title VI (page 43, after line 2), insert the following:

SEC. ___. PATROL OF NAVIGABLE WATERS ADJACENT TO NUCLEAR FACILITIES.

(a) REQUIREMENT.—Chapter 5 of title 14, United States Code, is further amended by adding at the end the following:

''§ 99. Patrol of navigable waters adjacent to nuclear facilities

''The Coast Guard shall patrol all navigable waters that are adjacent to a production facility or utilization facility, as those terms are defined in section 11 of the Atomic Energy Act of 1954 (42 U.S.C. 2014), on a daily basis.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 5 of title 14, United States Code, is amended by adding at the end the following:

''99. Patrol of navigable waters adjacent to nuclear facilities.''.

H.R. 2443

OFFERED BY: MR. ENGEL

AMENDMENT NO. 6: Page 43, after line 2, insert the following:

SEC. ___. SECURITY ASSESSMENT OF INDIAN POINT ENERGY CENTER.

Not later than one year after the date of the enactment of this Act, the Secretary of the Department in which the Coast Guard is operating shall—

(1) conduct a security assessment of Indian Point Energy Center, located in Westchester County, New York; and

(2) submit to the Congress a report on the findings of that assessment.

H.R. 2443

OFFERED BY: MR. ENGEL

AMENDMENT NO. 7: Page 43, after line 2, insert the following:

SEC. ___. SECURITY ASSESSMENT OF INDIAN POINT ENERGY CENTER.

Not later than one year after the date of the enactment of this Act, the Secretary of the Department in which the Coast Guard is operating shall—

(1) conduct a security assessment of navigable waters adjacent to Indian Point Energy Center, located in Westchester County, New York; and

(2) submit to the Congress a report on the findings of that assessment.

H.R. 2443

OFFERED BY: MR. OBERSTAR

AMENDMENT NO. 8: In the amendment to section 409, in lieu of the text proposed to be inserted (page , beginning at line) insert the following:

SEC. 409. REVISION OF BASES FOR DOCUMENT SUSPENSION AND REVOCATION CASES.

Section 7703 of title 46, United States Code, is amended—

(1) by striking ''or'' after the semicolon at the end of paragraph (2);

(2) by striking the period at the end of paragraph (3) and inserting a semicolon; and

(3) by adding at the end the following:

''(4) operates a vessel in a negligent manner or interferes with the safe operation of a vessel, so as to endanger the life, limb, or property of a person; or

''(5) poses a terrorism security risk.''.

H.R. 2443

OFFERED BY: MS. MILLENDER-MCDONALD

AMENDMENT NO. 9: At the end of title VI (page 43, after line 2), add the following:

SEC. ___. PORT SECURITY GRANT AUTHORITY.

Section 70107 of title 46, United States Code, is amended—

(1) in subsection (a) by striking ''Secretary of Transportation, acting through the Maritime Administrator,'' and inserting ''Secretary'';

(2) by striking ''Secretary of Transportation'' each place it appears and inserting ''Secretary''; and

(3) by striking ''Department of Transportation'' each place it appears and inserting ''Department of Homeland Security''.